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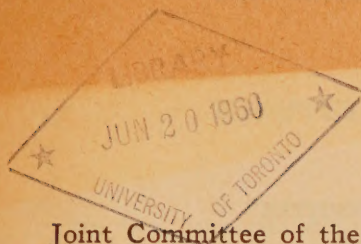
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1960



Joint Committee of the Senate and the House of Commons  
on

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone  
and  
Mr. Noël Dorion, M.P.

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MINUTES OF PROCEEDINGS AND EVIDENCE  
No. 8

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WEDNESDAY, JUNE 1, 1960

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## WITNESSES:

*From the Canadian Catholic Conference:* Monsignor John A. Carley, General Secretary; Rev. Father André Renaud, O.M.I., General Director, Oblate Fathers Indian and Eskimo Welfare Commission; Rev. Father James Mulvihill, Associate Director, Oblate Fathers Indian and Eskimo Welfare Commission.

*From the Department of Citizenship and Immigration:* Mr. R. F. Davy, Chief, Education Division.

MEMBERS OF THE COMMITTEE  
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*Joint Chairman*,  
Hon. W. A. Boucher,  
Hon. D. A. Croll,  
Hon. V. Dupuis,  
Hon. M. M. Fergusson,  
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Hon. F. E. Inman,  
Hon. J. J. MacDonald,  
Hon. I. Méthot,  
Hon. S. J. Smith (*Kamloops*),  
Hon. J. W. Stambaugh,  
Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, *Joint Chairman*,  
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Mr. G. W. Baldwin,  
Mr. M. E. Barrington,  
Mr. A. Cadieu,  
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Mr. G. K. Fraser,  
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Mr. J. C. MacRae,  
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Mr. H. J. Michaud,  
Mr. R. Muir (*Cape Breton North  
and Victoria*),  
H. J. W. Pickersgill,  
Mr. A. E. Robinson,  
Mr. R. H. Small,  
Mr. E. Stefanson,  
Mr. W. H. A. Thomas—24

Quorum—9

M. Slack,  
*Clerk of the Committee.*

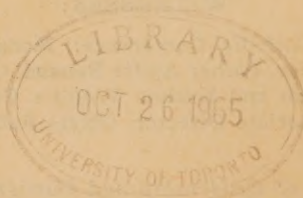
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## MINUTES OF PROCEEDINGS

WEDNESDAY, June 1, 1960.  
(21)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Vice-Chairman, Mr. John Charlton, presided.

*Present:*

*The Senate:* Honourable Senators Horner, Inman, MacDonald and Smith (Kamloops).

*The House of Commons:* Messrs. Barrington, Charlton, Henderson, Howard, Jorgenson, McQuillan, Small, Stefanson, and Thomas.

*In attendance: From the Canadian Catholic Conference:* Monsignor John A. Carley, General Secretary; Rev. Father André Renaud, O.M.I., General Director, Oblate Fathers Indian and Eskimo Welfare Commission; Rev. Father James Mulvihill, Associate Director, Oblate Fathers Indian and Eskimo Welfare Commission. *From the Department of Citizenship and Immigration:* The Honourable Ellen Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs; Mr. H. M. Jones, Director of Indian Affairs Branch; Mr. C. I. Fairholm, Executive Assistant to the Director and Mr. R. F. Davy, Chief, Education Division. *From the Department of National Health and Welfare:* Dr. P. E. Moore, Director, Indian and Northern Health Services.

The Clerk read a telegram from the Honourable George Johnson, Minister of Health and Public Welfare, of the Province of Manitoba, explaining that due to unexpected developments, he would be unable to present Manitoba's brief on June 1st. It was agreed that the Province of Manitoba's brief be printed as an appendix to this day's proceedings. (*See Appendix J-1*)

The Vice-Chairman introduced Monsignor Carley, Rev. Father Renaud and Rev. Father Mulvihill.

*Agreed,*—That the brief of the Canadian Catholic Conference be taken as read and included in this day's evidence.

The Vice-Chairman called Monsignor Carley and he made a brief introductory statement.

The Committee considered the recommendations in the brief of the Canadian Catholic Conference dealing with economic rehabilitation and education with Rev. Father Renaud being questioned and supplying additional information thereon, assisted by Rev. Father Mulvihill.

At 11.00 a.m., the Committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING  
(22)

The Committee resumed at 3.30 p.m., the Joint Chairman, Mr. Noël Dorion, presided.

*Present:*

*The Senate:* Honourable Senators Fergusson, Inman, MacDonald and Stambaugh.

*The House of Commons:* Messrs. Baldwin, Charlton, Dorion, Jorgenson, McQuillan, Robinson, Small, Stefanson and Thomas.

*In attendance:* Same as at morning sitting with the exception of the Minister.

The Committee resumed consideration of the brief of the Canadian Catholic Conference with Rev. Father Renaud being questioned thereon and supplying additional information, assisted by Rev. Father Mulvihill.

Mr. Davey, Chief of the Education Division of the Indian Affairs branch, supplied information on questions dealing with education.

At 5.20 p.m., the Committee adjourned until 9.30 a.m. Thursday, June 2nd.

M. SLACK,  
*Clerk of the Committee.*



## EVIDENCE

WEDNESDAY, June 1, 1960

The VICE-CHAIRMAN: Gentlemen, I see a quorum this morning, and one over, as a matter of fact. I am very pleased to have you start practically on time.

We have received a wire from the Manitoba government which was supposed to be represented here this morning, and I shall ask the clerk to read that wire.

The CLERK OF THE COMMITTEE: This wire is from the Hon. George Johnson, Minister of Health and Public Welfare of the province of Manitoba. It reads as follows:

WINNIPEG, Man.  
1960, May 30, PM 4:12

M. Slack Clerk of the Committee on Indian Affairs  
Senate and House of Commons, Ottawa, Ont.

Regret I will be unable to present Manitoba's brief to the Committee on June First Stop Unexpected developments here will detain me Stop Would request that Manitoba's brief and this telegram be recorded in the minutes of the committee.

Honourable George Johnson, M.D.,  
Minister of Health and Public Welfare

The VICE-CHAIRMAN: Are you in favour of having that telegram and brief included as an appendix to today's report? I mean the telegram first, and the brief? All in favour?

Mr. HOWARD: I take it that the Manitoba government delegation might not be able to appear, not only today but also at some other time?

The VICE-CHAIRMAN: They would not be asking us to include their brief if they intended to come here at a later date.

Mr. HOWARD: Yes.

The VICE-CHAIRMAN: All in favour?

Agreed.

We were very fortunate in being able to contact Father Renaud, who was quite prepared to appear this morning on behalf of the Canadian Catholic Conference. And we have with us Monsignor John A. Carley, general secretary of the Canadian Catholic Conference; the Reverend Father James Mulvihill, associate director of the Oblate Fathers Indian-Eskimo Welfare Commission and, of course, the Reverend Father F. Andre Renaud, OMI, general director of the Oblate Fathers Indian-Eskimo Welfare Commission.

We were very fortunate to be able to get witnesses to come this morning to take the place of the other organization which could not appear. Therefore I call on Father Renaud or whoever will be the spokesman for their group. Is it the wish of the committee to have their brief recorded in the proceedings as read?

Agreed.

Then Father Renaud or whoever is the spokesman for their group will go through the brief and discuss it briefly, following which there will be an opportunity for questions on the various paragraphs of the brief.

Father F. Andre RENAUD, OMI (*General Director, Oblate Fathers Indian-Eskimo Welfare Commission*): Our brief reads as follows:

The Roman Catholic Church, proud of its record as the institution with the oldest and longest uninterrupted association with Canada's pre-European populations, wishes to draw the attention of this Committee to the following observations and recommendations.

### *Introduction*

Four sociological facts must dominate consideration of any attempt to relieve our Indian-status fellow-citizens of their present difficulties.

The first is the permanency of most Indian communities scattered throughout Canada. No matter how many leave these settlements through marriage or in search of better opportunities, and no matter the extent of racial mixture or the degree of cultural assimilation to the majority group, practically 90% of the Indian communities in existence fifty years ago still survive as Indian communities. Only the smallest ones have disappeared. In a few cases only the older couples remain on reserves; nevertheless they carry on a nuclear community life to which young individuals and families can and do return. New communities, though not legally recognized, are emerging here and there, as an increasing number of Indians migrate to urban centers in search of employment. Generally speaking, most Indian communities not only reproduce themselves but actually experience a dramatic increase in population.

The second fact, which follows from the first, is the perseverance among these communities, of Indian cultural identification. Culture is the accumulated wisdom and way of life of the forefathers, and it is only natural for persevering Indian communities to raise their children in the human tradition they know best. This tradition may be exteriorly quite modified from what it was before Columbus and reflect our majority culture in various degrees. Substantially however, and as far as the communities themselves are concerned, the marrow of traditional culture has been preserved as a spiritual and psychological heritage characterizing almost all people of Indian status and background. The characteristics may vary from group to group and with each individual. But practically all Indian people share them to a certain extent and are justly proud of them as a common bond among themselves and their common link with the past.

The third sociological fact, and the most evident because the most distressing, is the inadequacy of Indian communities to provide for their basic economic needs at a level comparable to that of other Canadian groups. With the settlement and industrialization of their home-country by Europeans, the economic traditions and activities of Indian people have slowly been rendered useless. New and more remunerative habits and skills have not yet been mastered by the majority, nor have appropriate consumer's practices been acquired as part of their modified culture. This, together with a population expanding almost twice as fast as that of any other ethnic group in the country, explains why, with a few illustrious exceptions, most Indians exist at an economic level not only lower than that of the average non-Indian Canadian of today but, relatively speaking, less satisfactory than their original livelihood before the European invasion.

The fourth fact is that within the Canadian nation and in comparison with other citizens and ethnic groups: (1) Indians have only restricted control over their capital assets and corporate management at the local level, with only sporadic and consultative participation in the administration of their own affairs at the regional and national level: (2) they have not yet been



recognized as an ethnic minority meriting existence. They are neither expected nor encouraged to express their "Indian-ness" as a contribution to our evolving Canadian culture; on the contrary, it is their common impression that Canada does not desire their cultural survival.

These four facts are basic. In studying the evolution of our Indian populations over the last fifty years and in comparing it with that of other ethnic groups in Canada as well as with that of non-European populations elsewhere, we have concluded that any solution which does not focus directly on these fundamentals is almost certainly doomed to failure. The legal status of Indians, the system of land tenure on the reserves, in fact, none of the other factors provides the proper perspective through which the whole problem can be understood in all its frustrating complexities and ramifications. None offers as sound a lead and inspiration toward a permanent solution.

It is our considered opinion that it is essential to acknowledge the permanency of Indian communities. As much as possible, all administrative, economic and educational provisions must aim at enabling these communities to function successively as social, economic and political entities. Through, them, Indians must be helped to preserve their cultural heritage and to share it with their fellow-Canadians. At the same time they must be enabled to take part in the economic and political life of our common country. In other words, Canada must reinforce and reorient Indian culture and community life so as to prepare the coming generations to live and work as Indians as well as Canadians. Further cultural adjustments Indians can look after by themselves.

It is precisely in this way that the peoples of the world have agreed to help one another under the banner of United Nations, through Technical Assistance and Fundamental Education Programs.

In practice, this involves six main objectives:

(1) arranging for the heads of Indian families, particularly those with young children, to earn a decent living, preferably on the reserves or nearby, but also in urban communities; provided people of Indian background are encouraged and helped to group themselves in the manner of other ethnic minorities. (Comments on this point are grouped under the heading of Economic Rehabilitation.)

(2) preparing the present generation of school children effectively, economically and socially, for life as Canadians; the process must start in school but has implications after they have left school. (Education.)

(3) providing for the next generation on the reserves to grow up in a physical and cultural environment more closely resembling that of the average Canadian. (Home Living Conditions For Indians.)

(4) turning over to Indian councils, at the local, regional and federal level, the responsibility for looking after the affairs of their people, and decentralizing the administration so as to respect regional differences and foster integration of activities and services with provincial and municipal agencies (both governmental and otherwise.) Extension of Self-Administration.)

(5) assisting people of Indian background to learn about their past and present conditions objectively, and inviting them to plan their future within the Canadian commonwealth so as to contribute the best of their cultural heritage to the common society of Canada. (Recognition of Indian Culture.)

(6) informing Canadians about the Indians' past and present development, thereby promoting countrywide interest in their contributions to Canada's political, economic and cultural growth, past, present and future. (CULTURAL INTEGRATION.)

### I—*Economic Rehabilitation*

Heads of Indian families do not earn enough to support themselves and their dependents. Through the development of Canada, the restricted life on the reserves and the passing of fur-economy, Indians have lost control over their own individual and collective destiny. Except in the southern parts of the provinces, particularly in Quebec, Ontario and along the coast of British Columbia, most adult Indians have not yet learned the technical and managerial skills necessary for economic integration into Canada's economy. Neither have there been enough opportunities provided on or near the reserves to acquire and practice those skills and thereby achieve self-support. Educational and administrative policies have apparently fallen short of what should have been, and still should remain, the most urgent objective. Relief and welfare measures, intended as remedies, have only compounded the problem by creating a false sense of security, stifling initiative and increasing unproductive population.

We are convinced that commendable and praiseworthy though they be, the present Placement programs initiated by the Indian Affairs Branch four years ago will never solve the economic difficulties of most Indians, and will not stop the perpetuation of the situation presently existing on most reserves. The recommendations we are about to make imply a radical reorientation of existing policies and practices or at least a strong shift of emphasis, particularly in the recruiting and training of personnel and in the disbursement of funds.

We recommend that:

- (1) a bold, vigorous and realistic program of economic development based on group participation and involving various forms of appropriate adult education and training be adopted. There are numberless instances of successful group-centered economic rehabilitation in the Technical Assistance projects of United Nations and their Specialized Agencies as well as in the Community Development programs of various countries. Canada should recognize that the situation of her Indian communities is similar to that of populations in under-developed areas of the world and that much practical information now is available about this type of activity;
- (2) this group-centered program be focused as close as possible to the location of each Indian community since the Reserve has become the home from which most Indians prefer to operate or to which they hope to retire;
- (3) when, due to geographical circumstances it is found that such program cannot be implemented locally, serious consideration be given to transplanting the younger families as a group into new areas of economic development, particularly where their traditional skills would prove a positive mutual asset;
- (4) where necessary and advisable to induce Indians to leave their communities and find employment elsewhere, they should be helped in every way possible to establish a permanent footing in the community of their choice;
- (5) experts and organizations competent in the fields of economics, applied anthropology and allied disciplines should guide the implementation of such programs.

### II—*Education*

It is often repeated that Education is the key to Indian rehabilitation. This is true only if Education as an integrated process is fully understood, and is not identified solely with Schooling. The 1959 Manitoba Royal Commission on



Education states (Page 126, Paragraph 9) that education "requires and warrants cultivating ability to think, training for a vocation, transmitting cultural heritage, and inculcating moral concepts in each child."

The education process starts with birth and, for social purposes, more or less ends when the grown-up child is capable of supporting himself and of raising a family of his own. It actively involves such institution as the family—immediate and extended—the local, regional and national community, and the schools. In Canada, education is an integrated process with each institution or factor cooperating harmoniously until the objective is reached and the process starts again with the next generation. The home prepares the child for the elementary school which prepares him for the high school, which prepares him for university or for technical or vocational school, which prepares him to start a home of his own. Each step is interlocked with the next and when one breaks down, remedial measures have to be taken: foster homes, auxiliary classes, perhaps the reform school. Whenever the number of children with the same handicap or special talent warrants it, specialized classrooms, or courses, or schools are established to deal with this common handicap or talent. Hence, there are classes for retarded or gifted children, terminal courses, schools for musically-inclined children, for deaf and mute, or blind or cripple, etc. No one argues about these remedial measures, at least in principle, nor questions the right of these children to a schooling commensurate with their particular needs, nor does any one refer to these institutions as "segregated" and not integrated.

When the situation of present day Indian adults under fifty is analyzed, it is realized that too many of them are without regular income and unable to raise families the way other Canadians do, precisely because, in their formative years, they were not trained to transfer from the economic activities of their forefathers to occupations that would have integrated them securely in the national economy. This is why extensive re-training is essential to end the present relief-and-welfare economy on most reserves.

When speaking of preparing Indian children for further integration into Canadian economic society, it should be in terms of the majority rather than of exceptions, and be realistically objective instead of superficially sentimental. Canada cannot be satisfied with the fact that an increasing number of boys and girls are now in High School and will presumably have better chances of securing employment or earning a living on or off the reserve. If 80% of the pupils in low-income Indian communities are unable, for one reason or another, to complete even a Grade 10, so as to be admitted to some form of occupational training or apprenticeship, that same 80% will later need welfare, rations and crash rehabilitation programs. Unless they are given the opportunity right now, before leaving school, to learn the means whereby to earn a decent living, they too, jobless and penniless, will raise children in poverty and ignorance. The cycle will not have been broken.

Unfortunately, we believe that this opportunity is lacking in too many places. In Southern Ontario and Southern Quebec, longer exposure to non-Indian society and more generations of schooling have brought Indian communities to a closer degree of similarity with the Canadian way of life, so that the Indian home does prepare its children more or less adequately for the standard school. In coastal British Columbia, the traditional economic activity of the Indians, namely sea-fishing, had already produced a sedentary mode of life. With minor modifications, these Indians were capable of permanent integration into Canada's national economy. Hence, in those three areas, the standard schooling processes operate more successfully though not without some weaknesses and need of adaptation. Everywhere else, with few exceptions, the Indian home does not prepare the child adequately for the schooling processes designed to meet the needs of non-Indian Canadians.

As a result, most Indian boys and girls cannot and do not profit from the preparation-for-life pattern offered to them. Most of them leave school before they reach even a Grade 8 level, let alone Grade 10 and entrance qualifications to technical or vocational schools. (See Appendix)

We therefore recommend that:

(6) a thorough and scientific evaluation of the true educational needs of Indian pupils throughout the country be carried out, in relation to a realistic appraisal of their after-school opportunities and responsibilities;

(7) a similarly objective analysis of the after-school achievements of pupils from various areas and in different types of schools and school situations, in order to identify the best ways of meeting those needs according to home and community background;

(8) immediate steps to provide adequate school facilities and courses of studies to meet those needs, particularly terminal classes for all pupils unable to complete Grade 10 and carry on with vocational training of one kind or another;\*\*

(9) specialized courses be organized under university or teachers college auspices to train teachers and other educational personnel in adjusting courses, methods and facilities to the local and regional cultural background and true occupational future of Indian pupils;

(10) special emphasis be placed on the choice of teachers so as to select those capable of imparting not only knowledge but also character formation;

(11) the salaries of teachers in Indian schools be adjusted to compete with local salary scales in order to attract personnel qualified to cope with the special needs of Indian pupils.†

### III—Home-Living Conditions For Indians

The average Indian child in most areas of Canada is unable to profit fully from the school opportunities offered to the average non-Indian Canadians. The first and foremost reason for this fact is the enormous difference between his home background and that of the non-Indian child. The occupation opportunities and schooling processes recommended above must be supplemented with a community development program designed to provide Indian homes with

\*\*We emphatically disapprove the use of the term "segregated" with reference to such schools or any other school provided for Indians. To most people, the word signifies enforced separation on the basis of racial differences. In the present case, no physical or legal enforcement is implied. Separation is deemed better due to cultural transmission and background and is limited to such needs, regardless of biological factors. Furthermore, such schools or programs, when provided under separate auspices, should be opened to any non-Indian in need of similar remedial schooling. For the above reasons, together with what will be stated below on education and the home-living conditions of our Indians, we do not endorse the present policy of immediate, universal and unqualified enrolment of Indians in non-Indian schools. While we acknowledge the principle that Indians like all other citizens integrate to some extent within the fabric of the nation and eventually into our schools, we are convinced that most non-Indian schools as presently organized are neither ready nor willing to meet the objective educational needs of the majority of Indian Pupils. Unless non-Indian school authorities and personnel are correctly informed about the Indians' cultural background, and agree to provide adequate educational services in terms of ethnic—though not racial—and vocational differences, we prefer the provision of special or specialized schools for Indians.

†In his report to the Minister of Citizenship and Immigration, made in 1955 on the Indians of B.C., Mr. H. B. Hawthorn and his colleagues have this to say, in Chap. XXV, speaking of teachers in Indian schools:—"The qualifications we set out for teachers in Indian schools are high. The task is a hard and exacting one. In order to obtain teachers of the required ability, special inducement must be offered. . . . (Yet) essentially the main inducement should be a greatly raised salary scale, one starting higher than at present and rising far beyond the present maximum. It is our considered opinion that this is the best inducement and would be at once reflected in increased applications for teaching positions and in greater length of stay on the job."



material and cultural facilities and experiences similar to those of other Canadians. Otherwise, the next generation of school children will still be greatly handicapped in preparing itself to take its rightful place in our Canadian nation.

It is unrealistic to expect the school, particularly if it is not geared to this specific need, to modify the cultural transmission, at work in Indian communities, substantially enough to solve by itself all the social and economic problems pertaining to these communities. Experiments designed to hasten the adaptation of non-European populations to twentieth-century industrial civilization have reached this conclusion throughout the world.

In all societies, the parents are the first teachers of the next generation. Not only must they be given, in terminal courses or through adult education activities, the information and skills to train their children in a way different from the home up-bringing that they themselves received. They must also be helped to retain this information and these skills and pass them on to their children. If the results of the last 50 years of schooling among Indians are not more satisfactory, it is simply because this law of human society has too seldom been taken into consideration. Too often, young Indian boys and girls graduating from school have gone back to live in environments where the new information and skills could not be put into practice. As a result, the young parents forgot what they had learned in school and had to go back to the ways of their own fathers and mothers when the time came to raise their children.

While we heartily commend the progress that has been made in housing throughout the country, we nevertheless regret that the process has been slow and too often priority has been given to older couples with grown-up children in preference to the young. The result has been that the married children were left to raise the third generation in the old cabins, where it was impossible to apply the skills learned in school. The new houses for growing families have been too small and maintained the moral problems ensuing from overcrowded sleeping space.

We therefore recommend that:

(12) the present housing program initiated by Indian Affairs Branch be accelerated and incorporated into the Community Development program suggested above, and particularly that young couples with small children be given top priority in receiving new houses;

(13) the houses for growing families provide at least three bedrooms;

(14) Indian girls who will miss the life-preparation courses of the upper High School Grades be given, in their last two years of school, intensive training in home-making and child-care in order to provide future generations with a cultural environment more amenable to the standard school program;

(15) special guidance and extension services be provided for young Indian mothers and home-makers to assist them in applying what they have learned in school;

(16) the community development programs include the provision to Indian homes and communities of facilities—particularly electricity and libraries—and of activities which will increase the familiarity of the next generation with Canadian ways of life and source of general information.

#### *IV—Extension of Self-Administration*

In the long run, individually and collectively, though not without technical assistance and help from others, only the Indians can solve permanently the problems that beset them. Not even the most devoted civil servant of non-Indian background or the best informed Member of Parliament could be

expected to feel about these problems as Indians do or to consecrate every waking hour to their solution. As more and more Indians achieve a higher degree of academic education and professional training, it stands to reason that the sociological responsibility for policy-making and problem-solving at all levels should gradually be turned over to them.

A certain amount of self-government has already been promoted on the reserves throughout the country. This was a step in the right direction, even though it was not preceded or accompanied by a realistic program of training for either the Indian communities or the administrative personnel involved. Further steps should be taken at once. As long as major decisions of band councils have to be ratified by upper echelon non-Indian administrators, and as long as the major areas of Indian affairs are left to the decision of non-Indians, it is impossible for the Indians to feel they are masters of their own destiny. Consequently, they will not maintain a deep interest even in matters concerning themselves, nor will they acquire the appropriate skills to solve their major problems.

The administration of Indians' affairs would be greatly reduced if most matters pertaining to them were left to regional councils of educated Indians, aided, in matters too technical, by consultant services. Chairmen of these councils could meet at the national level to form an overall national council directly responsible to Parliament. The affairs of Indians are first and foremost of an economic nature, their reserves being the main object of the Indian Act. Hence a regional and national organization would be very little different from a large industrial or commercial enterprise and would not amount to a state within a state. We leave it to political economists and other specialists to study how such an agency could be set up. There are undoubtedly complex legal and administrative problems involved, but most are the products of non-Indian preoccupation with protecting the Indian against himself and against exploitation by the White Man.

We therefore recommend that:

(17) immediate consideration be given to concrete ways and means of gradually giving back to Indians control over their own affairs at all levels;

(18) educated and competent Indians be encouraged to join the Administration of the Indian Affairs Branch.

### *V—Recognition of Indian Culture*

To our knowledge, Indians in general are proud of being Indians, that is, of descending from the oldest residents of this country. They are also proud of their respective cultural traditions, of the socio-psychological traits and of the philosophy of life they have acquired in growing up in an Indian home and community. These they cherish as a spiritual legacy, partly because, comparing them with those of other Canadians, they appreciate their undeniable human value. Yet, they are seldom given the chance to learn about their culture objectively nor are they encouraged to share it with their fellow Canadians. Members of other ethnic groups in Canada, beginning with the English and the French, learn about their forefathers' culture and historical development right in school. They can read all they care to read on any past or present aspect of their ethnic group life. They can form cultural societies and can use all the media of communications and artistic creation to express their cultural tradition and personality. Not so with Indians. The few references to them in Canadian history text-books are shockingly incomplete and frequently biased, describing them as "savages" for instance, and calling "massacres" the few victories they won over the European invaders.



Consequently, it is hard for most of them to accept the evolving Canadian culture and way of life unconditionally and to believe in the sincerity of those advocating "integration". It is our considered opinion that the Indians have every right to learn about their particular cultural background, historical development and present socio-economic conditions objectively, and that they should be encouraged to study their problems collectively, not only on each reserve but regionally and nationally. Indeed we are now convinced that it will be only when they know who they are and what they can become as a respectable and respected ethnic minority, that they will truly feel at home in Canada, the common country of all Canadians, on an equal footing with fellow-citizens of other cultural backgrounds.

We therefore recommend that:

(19) every effort be made to complete the collection of scientific data on the origin and evolution of the various Indian groups throughout Canada, particularly their historical contributions to the development of the Canadian nation and state;

(20) in and out of school and in various ways, this information be made available to all Indians in Canada, together with appropriate and relatively complete materials concerning their present socio-economic conditions, legal status and political organization within the Canadian state;

(21) in and out of school, in urban centers as well as on reserves, Indians be encouraged and helped to study and discuss the assets and liabilities of their common ethnic background, in study-groups and organizations of their own, similar to those of other ethnic minorities.

#### VI—*Cultural Integration*

As the years go by, it is increasingly evident that the social and economic hardships of these Indian fellow-citizens cannot be solved without some form of integration. In contrast to the racial problem south of the border whence the term has been imported, integration of Indians in Canada is not merely the physical process of allowing people of different pigmentation but identical culture to be present in the same room, it is first and foremost a two-way process of cultural exchange. As recalled above, Indian communities and individuals born into them, have to integrate in their cultural transmission a specific sector of our own culture, in order to survive and thrive economically. On the other hand, if mutually enriching forms of further social and physical integration are to follow, non-Indians have to make room in their own culture, and therefore in their own minds and hearts, for the Indian not only as a fellow-citizen but as an Indian.

This should be relatively easy since Canadian society is multi-cultural in most respects. Yet, this fact has seldom been clearly and officially acknowledged or acted upon. Most people think the Indian is sorry to be an Indian, assuming that all that his forebears left him is childish and valueless primitivism. In other words, from sheer ignorance and misinformation, the average non-Indian does not recognize or appreciate the cultural differences of which most Indians are so proud. Under such conditions, social integration is hardly possible in any serious degree. Unless action is taken to familiarize the Canadian people with true Indian culture and its human achievements, free integration will never take place on any large scale, and Canada will be the poorer in many ways.

We therefore recommend that:

(22) in order to create a more favourable climate around the Indians, objective and reliable information be disseminated among the

Canadian people, particularly through the schools and the mass media of communication, on their past and present social development in Canada together with their historical contributions to Canada's political and economic growth as a nation.

\* \* \*

We respectfully submit the above considerations and recommendations, hoping they will contribute to the decisions you ultimately will reach.

### *Appendix*

As stated on page 7, due to severe cultural differences in their home and background, most Indian boys and girls in the central and northern areas cannot and do not profit from the preparation-for-life process of our standard school system. This fact, known to most field-workers in these areas, was confirmed once more by the latest survey carried out among Indian school pupils and reported in the 1958 statistical report of the Education Division of Indian Affairs Branch. In May 1958, an Achievement test standardized for our Canadian school population and covering Reading Vocabulary, Speed Comprehension in Reading and Arithmetic Fundamentals, was administered to Grade 4 Indian pupils attending school across the country. Except in Southern Ontario and in Quebec, all the pupils in that particular Grade were at least ten school months behind their non-Indian classmates of the same chronological age, with those from central Canada anywhere between 16 and 19 months. The results on the test itself showed an average lag of 6 grade months in school achievement in comparison with non-Indian children in the same grade. The total retardation (retardation on chronological age plus retardation on actual grade placement) average 1 grade and 6 months for the whole country, with the central provinces and Northern Ontario averaging 2 grades and 3 months. On the basis of these results the average Educational\*\* Quotient of Indian pupils (in terms of our regular school program) is 85, with only those from Quebec and Southern Ontario above 90. The average for children in central Canada and Northern Ontario is 82. This means that by the time they are 16 and legally allowed to leave school, between 65 to 80% of this school population will have achieved just a little more than our Grade 7 level of academic achievement. Since we are dealing with an average, perhaps 40% will be much less. Undoubtedly these pupils will not proceed all the way to Grade 12, and thus finish their schooling properly, nor even reach Grade 10 and then proceed to technical or vocational training.

And now perhaps Monsignor Carley might like to say a word.

Monsignor JOHN A. CARLEY (*General Secretary, Canadian Catholic Conference*): Mr. Chairman, and gentlemen: it is my intention only to identify the organization which has presented the brief. It is the Canadian Catholic Conference. It is an organization which includes as members only all the Catholic bishops of Canada.

The country, as you know, as far as our organization is concerned, is divided into dioceses and territorial districts, and at the head of each diocese we have a bishop. All these bishops—between 75 and 80 in number—voluntarily, about 15 years ago, agreed to join together in order to promote the interest of the church in Canada, and to coordinate the activity of the church in Canada.

Therefore the Canadian Catholic Conference is really a representative body of the church on a national scale. The conference is divided into a board and several commissions. There are also some committees, one of which is the Indian affairs committee.

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\*Educational statisticians have worked out an Educational Quotient (E.Q.) as an index of the speed at which school children proceed through the various grades in relation to the chronological age. Like the Intelligence Quotient (I.Q.) the norm is set at 100, with brighter children achieving above, and the slower children below.



We have the archbishop of Halifax, Archbishop Berry, and also Bishop Carter of Sault Ste. Marie, and Bishop Garant of Quebec, forming three members of the hierarchy who have been particularly charged with Indian affairs. This committee has approved the brief that we are presenting here this morning; and all the bishops in Canada have read that brief and expressed their approval.

Therefore the voice which this brief conveys to this committee is the voice really of the entire Canadian Catholic hierarchy, under the name of the Canadian Catholic Conference. Thank you.

The VICE-CHAIRMAN: Thank you very much, Monsignor Carley.

Father RENAUD: Thank you, Mr. Chairman. Due to the circumstances which have just been explained it is assumed that few of you, if any, have had time to read our brief. So I volunteer, if you wish, to explain briefly what its theme is.

After many years of studying and analysing the situation we have come to the conclusion that what we call the Indian problem is not, first and foremost, one of administration of affairs, but rather one of "people", and that unless the "people" are at the focus, any attempt to solve the problem with a permanent solution will not be found.

Indians are a group—if you care to call them that—of Canadian citizens who were born on our national territory with certain handicaps, to a certain extent, and with a given legal status.

All these "people" keep coming on the scene, so to speak. They are not like rocks or minerals. They are "people", and the basis or rather the start of these individuals is their community. We have thought that the root of the so-called problem as well as the key to its solution is the Indian community, though not necessarily for each and every individual. We do not think of Indians in terms of individuals, but rather in terms of communities; and we do not think of communities exclusively in terms of resources, but rather of human communities where individuals are born and grow up; and because they are born and grow up in those communities they are maladjusted when it comes to the national way of life.

We start our brief by pointing out this fact: the permanency of Indian communities. Over the last 100 years very few communities have disappeared. Some may have left a particular spot, but other communities have regrouped themselves in other places, often enough at the margin of cities.

These new communities are not legally recognized, but they are human communities with problems and functions and so on, and they add to the total situation of the Indian population in Canada.

The second fact on which we base our brief is again drawn from the community, namely, that as long as they survive as communities, they survive by their own will; and they carry on with traditions, with background inspirations, motivations, interests, information, and so on, which perpetuate this situation of Canadian citizens who are economically handicapped.

In other words, what is called culture by scientists is something true, something living, something which has to be reckoned with, and unless it is acknowledged and used as a positive element, no solution of the problem will be found—at least, no permanent solution.

The third fact is that this part of the culture of Indians which deals with their economic conditions is inadequate. This is evident to everyone. Over the 300 years of contact with European society, Indian communities have not re-adjusted their culture in that particular sector adequately. They have not on the whole acquired a clear understanding of our economy, and they have not fitted their activities and traditional skills into our labour market so as to draw regular income and thus to support themselves and their families, and to pay for their institutions like other communities do, and so on.

There are all sorts of historical explanations for it, but the fact remains that they have not done so. It must be pointed out also that even those who do have a steady income suffer from a lack of cultural adjustment in their consumer habits. They have not learned in too many cases how to handle their money in the right way.

They still consider money to be a frill. Traditionally they satisfy their basic needs of nature; and most of what we call the "services" they have in their communities are received free. So, when they move into town and earn salaries, they still spend their money in the way they did on the reserves, namely to buy extras, or at least what we consider to be extras.

When they are away from the reserves, these consumer habits defeat their integration, because the first thing you know they are out of a job, out of a room, and they are hard up, so to speak. This is the third fact.

The fourth fact is that Indians are a group of Canadians who to start with, have little control over their own affairs. The only control they have is at the local level through their councils, and even that is quite narrow when you look at the Indian Act, particularly in comparison with other municipalities in Canada.

Again there are historical explanations for this, or justifications to some extent. The fact remains that the Indians do not run their own business and this in itself, from the sociological point of view prevents any group of people who are not given full responsibility over their own destiny, from reaching any kind of maturity. And as a by-product, our Indians are not recognized as a worth while group in Canada by average Canadians, such as other groups referred to as ethnic minorities, or cultural minorities.

It has been almost official policy up until recently to assimilate them. Now we speak about integration, but in the minds of the Indians, it means assimilation. They feel that they are not given a chance to get what they would like to get in the way of enjoying their own independence. They point to the fact that other groups in Canada, beginning with the French, have cultural recognition, and are invited to contribute to the total culture of Canada, whereas the Indians have never been officially encouraged to preserve their culture. On the contrary, a good deal of it has been ridiculed, with the result that they have tended to hide it.

These are the four facts which to us are the most important. We believe that this committee should keep them in mind in trying to solve the problem. In other words, we feel that if you approach the problem with these four facts in mind, you will be guided towards an appropriate solution, and you will be inspired to overcome the obstacles to that solution. Whereas if you start with, let us say, the legal approach, it is so complex, and there are so many ramifications to it, that chances are somewhere along the line there will be a certain amount of discouragement which you will not be able to overcome. So we do not quite feel that the legal approach, or any other approach—even though it is very important—affords the proper perspective. We do not think either that studying the situation in terms of administration will give the solution. A good deal of the problems in administration is simply caused by the fact that the Indians do not run their own show and that their affairs are administered by others. If the control of affairs was turned over to the Indians, administration would be reduced to a great extent. If administration remains at the focus, it will be hard to reach the people themselves. We feel that the solution is not in better administration of Indian affairs, but in helping the Indians as "people".

On the basis of these four facts, we have organized our brief, with recommendations in specific areas. All of them, again, are centered on this theme, that the "community" is the thing, not the individual; and that it is the com-



munity that must be reinforced in every way, so that the individuals coming out from these communities will be full-fledged Canadians in every way and will be able to manoeuvre in our general society without having lost their Indianness. This is why we have made recommendations about economic rehabilitation of Indians.

We have also made recommendations on education, and because education starts in the home we have made some recommendations on the home living conditions for Indians. Also, because the communities are psychologically functional, we have thrown in a few suggestions concerning the expansion of self-administration. Finally, because of the permanency of Indian culture, and because of its potential contribution to Canada as well as of it being a very psychologically strong factor of motivation on behalf of the Indians, we advocate recognition of Indian culture. We describe how, through this process, cultural integration can take place.

This, Mr. Chairman, is the structure of our brief. I wonder if we could not start with the recommendations as they appear. Of course, there might be questions before we go any further.

The VICE-CHAIRMAN: I think it would be better if you were to go through your recommendations, Father Renaud.

Father RENAUD: All of them at first?

The VICE-CHAIRMAN: No; just the first section, on economic rehabilitation. Then we will have the question period on that part of your brief, and then we will continue to the next section.

Father RENAUD: Very well, thank you. We have started our recommendations with economic rehabilitation. This may look a little bit strange, coming from a church group, and perhaps a word of explanation is necessary. It is very simple. We, as a church group, as a religious organization, are concerned first and foremost, of course, with the spiritual development of Indians as well as of all other Canadians. We believe in the Ten Commandments: we stress the Ten Commandments. It is an historical observation all along the centuries that, in order to practice the Ten Commandments, a minimum of economic well-being is necessary; otherwise one is practically forced to break the commandments. Therefore, you will forgive us if we start our recommendations in the economic field, even though we have no claims to being economists.

Our first recommendation reads, then:

that a bold, vigorous and realistic program of economic development based on group participation and involving various forms of appropriate adult education and training be adopted. There are numberless instances of successful group-centered economic rehabilitation in the technical assistance projects of United Nations and their specialized agencies, as well as in the community development programs of various countries.

Canada should recognize that the situation of her Indian communities is similar to that of populations in under-developed areas of the world and that much practical information now is available about this type of activity.

We start with the word "bold". By this, we imply that we recommend a radical change in the thinking of the government concerning Indians. Instead of, as I mentioned earlier, administration of Indian affairs, we think it should be the "people," and helping the people to operate and function as a "people".

This is, we feel, rather radical. This is why we call it bold, because it means that personnel, for instance, would have to look at the situation in a different way and that a certain amount of outlay of money would have to be spent in order to promote this economic development. Incidentally, we feel

that if it is not spent on economic development, it will be spent elsewhere, over the years, in relief, welfare, and so on.

We also feel that it must be "bold" in turning as fast as possible back to the Indians, control over their own affairs. They have lost a good deal of initiative over the last century because they were deprived of this right to manage themselves.

We want it to be "vigorous". There is already afoot a certain amount of economic development. There is a new section being established, personnel recruited, and so on. We feel that this economic development must have top priority over any other thing, because it hits at the root of the present maladjustment. If the Indians can achieve economic independence, they can solve their problems. This is why we feel it must have top priority.

In fact, we feel it should have top priority over technical assistance to countries outside Canada. That has been mentioned before, but we would like to repeat it. It is a matter of, to a certain extent, not only the welfare of our Indians, but of our own international reputation. Other countries know a few things of what goes on in Canada. If we do not solve our own problem here, in terms of economic development, we may not have too much influence elsewhere.

We feel, also, that this program should be "realistic", as opposed to idealistic; and it should not be hamstrung by too many petty laws, regulations and other things. We feel that the Indian communities in many areas are strong enough to provide the move, so to speak, and that Indians could assume the responsibility without too many handicaps or obstacles in their way.

We feel that this program must be based on "group participation", and group participation in economic development. If you look back over the history of the last 25 years, you find that in the last decades, there has been a certain amount of development given to the communities, but in the political field. It was good that Indians be given a certain amount of leadership and participation in their affairs; but it is our impression that the development should have started with the economy of the Indians. Having elected chiefs and councillors, without having any income, does not provide true development to the Indian communities. Interest in political matters is not universal, whereas economic needs are common to everyone.

Group participation must take place at all phases of this development, not only in the execution, but in the planning, in the conducting and in the operating. Too many programs of economic improvement have been branch-directed and operated, to a certain extent, so that in the process the Indians have not acquired too many skills, particularly in running their own businesses. This is why we feel that economic development must be group-centered and group-oriented in every way.

There have been some formula suggested already, such as cooperative forms. That is a very good way. There are also other corporative forms of organization that we have in our own society, and there is no reason why the Indians should not be guided into them. Incorporate certain reserves as business corporations and let them run their own show like a corporation.

We feel that this cannot be brought about except through adult education and training. There has been a certain amount of adult education; there have been a few programs going out across Canada. I know that they are reported in the annual report, and Colonel Jones has mentioned some of them last spring, and again this year.

These adult education programs are really just classes for adults, teaching things which adults should have learned in school, and nothing else. They are not truly adult education, and they are not aimed at community problems. They are aimed at bettering individuals—and, indirectly, the communities, if you wish—in teaching them how to read, how to repair furniture, how to build houses, and so on.



We feel that there should be complete integration of economic development on a community basis, with adult education activities. The whole process should be educational, and all the educational implications of the program should be well looked after by professionals.

We mentioned that there was a good deal of this going on in other countries. In fact, there are many Canadians who have taken part in technical assistance programs in other countries exactly along these lines. They have come back to this country, but we see very, very few of them within the branch yet. There seems to be no room for them, no opening for them as yet. We feel that we are missing out on this opportunity, because these people have gone out to other countries, have practised technical assistance along those lines and have learned a lot of things which could be of great benefit to our Indian communities. This is partly why we have described our recommendation as implying a strong shift of emphasis in the present set-up.

We do not feel that we have all the answers within our own Canadian community, and we feel that we can learn from what has been done elsewhere. Even though our so-called native population is better off, physically, than the native population in other countries, medically, educationally, and so on, the process of readjusting culture is similar to that in other countries. Better use should be made of the experience of United Nations agencies and of our own Canadian personnel who work with United Nations agencies in this work.

Shall I go on with numbers 2, 3, 4 and 5, Mr. Chairman?

Senator HORNER: I have a question.

The VICE-CHAIRMAN: Senator Horner, would you please allow Father Renaud to complete numbers 2, 3, 4 and 5 before we start the questioning.

Father RENAUD: The second recommendation is:

this group-centered program be focused as closely as possible to the location of each Indian community since the reserve has become the home from which most Indians prefer to operate or to which they hope to retire.

It is true that a good deal of us feel that the reserve is an obstacle in the way to integration and it has been suggested that we should do away with the reserve system. There is some truth in that. On the other hand, the fact remains that the majority of Indians feel attached to their reserves, not because of the system itself, but because they are parts of land which they feel still belong to them, and where their communities live.

It is true that young families move out; but they come back every so often, particularly if they are unsuccessful in their integration attempt. They come back for various reasons. As has been pointed out, there is more security on the Indian reserve than elsewhere; more economic security. But there is this in particular, that the Indians feel more at home among their people. They do not have to learn new patterns of adjusting socially with the people who live on the reserve, and as a result they are happier there, psychologically speaking.

The only way we can change that is by turning the reserves—or, preferably, the Indian community—into something more like our own communities, so that when the Indian individual leaves his community and moves into our community, he will not feel lost; he will identify the same agencies, let us say, and the same forces and powers, the same facilities. On the other hand, not only must we do a certain amount of development in the Indian community but, as was pointed out two weeks ago in the Indian-Eskimo association brief, we must prepare the non-Indian to appreciate the Indian for what he is, to understand him and welcome him.

It is only when we reach these two aims that we will have full mobility back and forth of Indians to non-Indian communities, and vice versa. Until

then we feel that we must start with Indian communities as such, because it is the home and background of most Indians, and the feeling is very strong among them. Since most Indian communities are on reserves, we suggest that this economic development should take place nearby, if not on the reserve. We are realistic in admitting that not all reserves can be economically developed successfully and that economic development must be on a regional basis. But it should be close enough as a principle, or as a guiding rule, to the reserve or to the Indian community.

Our third recommendation is as follows:

when, due to geographical circumstances it is found that such program cannot be implemented locally, serious consideration be given to transplanting the younger families as a group into new areas of economic development, particularly where their traditional skills would prove a positive mutual asset.

There are two elements in this recommendation; the idea of group, and the idea of mutual asset of traditional skills. The idea of group is based on the fact that, whether we approve of it or not, the Indians group themselves when they go some place else. This is very human. People like to associate with their own, and they do not group themselves because they belong to a particular race. It is because they have common problems and a common background. This is true of Indians coming from various tribes who, racially, are different; but if they find themselves in a metropolitan community such as Montreal, Toronto or Vancouver, they will pick each other out in the group and they will associate.

This is a touchy question, inasmuch as often enough we hear people—sometimes government officials—frown on the idea that the Indians should group themselves in our communities. They feel that this will lead to segregation, and any concentration of Indians is suspicious as leading to segregation. But the fact is, that they group themselves, and if we do not use this grouping positively, they will not achieve full integration. They will remain grouped, and then you will have segregation and prejudices, since people will associate individual Indians with these communities and say, "Oh, well, he is from Squawbush, or Shacktown", and so forth.

So whenever young people are encouraged to leave their reserves, particularly young couples, they should be helped to group themselves positively so as to help one another. The Indians have a long history of group help. Their hunting economy forced them to share everything they have, because no individual hunter is sure to get something every day; and this pattern has been with them and is persistent. Now it partly defeats their economic betterment, because the moment an Indian gets a job and buys food for a week, the rest of his friends come in and eat him out in a day. This, in a way, defeats them. But if we use this tradition in a positive way, grouping them for instruction, it will help them integrate successfully for city living and the process will be much faster. Once you get a group of integrated Indians to carry on integration with others, the process will go on by itself.

This does not mean that individual Indians, or all individual couples, must be forced into colonies or groups—not at all. If they feel free and are strong enough to carry on by themselves, by all means let them do it. But in order to offer a home base for integration in non-Indian communities, we feel it is better for the Indians to be together. Later on they will leave this base, or their children will leave, and others will come in and take their place.

This is the pattern observed with many ethnic groups migrating to Canada. Not all ethnic groups band together and need each other in that way. Some groups, because their social patterns at home are quite similar to ours, can manoeuvre right away and attach themselves to our own groups and classes.



Other groups from various countries—or, at least, from various classes of specific countries, need each other to start with, and once they get started, then they branch out and go into other sections of our society.

Therefore, we feel that the Indians should be given the same chance: they should not be forced to try individual integration, but should have group integration to a certain extent, so that they will have—if I may put it this way—the support of their group.

We mention the traditional skills, and that they would prove a "mutual asset." There are any number of economic developments which have taken place in Indian country, so to speak, and it is our conviction that it would be of great benefit to industries moving into the north to exploit, literally, the human resources there as well as the material resources. It is our conviction, from long observation and studies, that many of the traditional skills of the Indians can be of great use and value to the new developments. This is evident in the field of prospecting, for instance, road building, guiding. But there are any amount of skills that could be similarly pointed out. These are marketable to the new companies, provided a tie-up is made. We feel the Indians could integrate better through these activities. They could do it more successfully, in competition with non-Indians. It would also be cheaper, literally speaking, for the companies moving up north.

Where it is necessary and advisable for Indians in a community to leave their communities and find employment elsewhere, they should be helped in every way possible to establish a permanent footing in the community of their choice.

This refers to a number of concrete situations, such as Schefferville, Red lake, Moak lake, Uranium city, and so on. Indians go to these new communities; but often enough, because of regulations and any number of factors, they are unable to secure a permanent footing in these new communities. Too much is expected from them, or from the new community emerging. If a study was made of the new communities rising in the north, to see the patterns of integration that are taking place there, definite lessons could be learned along this line. It is not enough to train some Indians to take jobs in these developments. They must be coached into integration. The patterns of the white man's way of life are very complex, compared with those of the Indians. Just as we need Indians when we go out hunting in the woods, we must guide the Indians when they come into our society, particularly in those northern developments.

Unfortunately, not enough of this has been going on. The answer is always that once the Indian has left the reserve; he is on his own. This is good to a certain extent. However, we forget that it is not the reserve that matters; it is the Indian. The solution is not in the Indian leaving the reserve, but the Indian getting on to something new—to do so successfully, we feel he needs help. Otherwise, he will not succeed; he will go back on the reserve, or operate on the margin of our communities at a substandard of living.

Our recommendation is based on fact, and we feel it is positive.

As a final recommendation, we suggest that "experts and organizations competent in the fields of economics, applied anthropology and allied disciplines should guide the implementation of such programs". In other words, we do not feel that straight administration can bring this about. We have great admiration for administrators but, let us say, that administrators simply carry on. They do not have the authority or the training to plan along new lines.

We feel this type of program will not be achieved unless specialists are brought in. We mentioned organizations, and by this we mean that there are any number of voluntary organizations who could help, if they were told about it, or if they were interpreted, the needs of the Indian. There is a very encouraging amount of this now going on in the prairies. The cooperative groups

for instance have started to go out and talk with Indians, and so on. But too often and for too long, most non-Indian groups have felt they had no business on the reserve, or with Indians, that it was all up to the federal. Ways and means must be found to tie up more organizations, volunteers and specialists with local Indian communities than is now the case.

The VICE-CHAIRMAN: Thank you, Father Renaud. Have you a question, Senator Horner?

Senator HORNER: I have a remark which I wish to make at this time. We had that matter of the United Nations, and assistance, brought up before. I know scarcely of a single case where we have been able to accomplish anything, with our assistance. Take, the Belgian Congo—and there is one place, possibly in Addis Ababa, which is Haile Selassie territory—where, by and large, rather than gladly accepting responsibility, the people resent it. Therefore, I think the problem is quite capable of being handled, without any assistance from the United Nations, by our own Canadian people. The Canadian people are well aware of the situation, and are doing all that can possibly be done under the circumstances. I would hesitate to call in anyone of any experience in the United Nations.

Father RENAUD: Mr. Chairman, and Senator Horner; we do not recommend, formally help from the United Nations, but that the information which is building up should be used.

Senator HORNER: Do you know of any place where we have accomplished anything?

Father RENAUD: There are some valid developments that have taken place in Ceylon and Jamaica.

The VICE-CHAIRMAN: Have you a question, Mr. Thomas?

Mr. THOMAS: Father Renaud mentioned pay for chiefs and councillors. Do I understand that you are recommending this?

Father RENAUD: Not at this stage, no. What we recommend is that the Indians have an income, and then there will be no need to pay the chiefs out of Federal money.

The VICE-CHAIRMAN: Are there any further questions?

Mr. SMALL: That question was brought up at the last meeting we had—and I believe it was when Mrs. Mussle was here. She brought up the question of pay for the chiefs. Some of us agreed to it. However, she then immediately came right back and asked who was going to pay for them. Her impression was that the Indian affairs department should pay for them. Then the question arose whether that would apply to every chief, hereditary or elected because, if that applied, we would have a first class schlemozzle on our hands. If it was going to be the chief who was going to draw the salary, it would be the same as any other community; they would be elected to it, because there was a certain honour or prestige attached to it, in the same way as anyone else, in the ordinary community, would take it on. It would have to be on that basis. If it was a municipal organization, where the chief was taken over probably as the reeve or the mayor, they would have to pay themselves, and the Indian Department would have to provide some kind of assistance there; it could not come direct. Is that your thinking?

Father RENAUD: Yes. We feel that money on the reserve should be spent in such a way that it will bring more money, through economic development—and when this money is gathered up, they can pay for their own services. But, paying them for their services right away, is a disguised form of handout, and it will perpetuate the present situation. The root of the problem is the fact that the Indians cannot support themselves economically. Unless we take radical



means to solve this, everything else will be just patching, so to speak. I recall the Chinese reflection on certain technical assistance programs or social work programs has been quoted before: "They scratch us where we do not itch."

**The VICE-CHAIRMAN:** Are there any further questions?

**Mr. HENDERSON:** I, myself, think that the reserve is one of our drawbacks and handicaps. I was born and lived in the west all my life. I often think about the Lutheran minister's wife across the road from us. She came from South Dakota, and she went back. There was an Indian girl in the drugstore. She was raised on the reservation. She went through college and everything. She ended up right back on the reserve. She returned to the Indian way of life—this girl, with a college education.

**Mr. JORGENSEN:** In connection with No. 4—and you mentioned Moat Lake in Manitoba—do you know of any attempt to integrate Indians into the life of Moat lake and Thompson, where this new development is going on?

It seems to me the Indians in that part of the country are in less need of help than those in the southern areas, where there are no economic opportunities.

Did I understand you correctly to say that it would be better to move the Indians, who are in the southern part of the province, up into those areas where there are economic opportunities and jobs for them?

**Father RENAUD:** I am thinking of the Indians of Norway House, for instance; that is not exactly in the southern part.

**Mr. JORGENSEN:** No, it is not.

**Father RENAUD:** There are over 1,000 of them, and the majority of them are on relief. There is no economic future for them.

**Mr. JORGENSEN:** My constituency is in the extreme south of Manitoba, and very near the American border. There are a couple of reserves in that area, where there are absolutely no opportunities for the Indians. The sugar beet industry takes on some of them, during the summer months, but it is seasonable and short. This is the only opportunity they have, as far as I know.

**Father RENAUD:** Is Roseau in your constituency?

**Mr. JORGENSEN:** Yes.

**Father RENAUD:** I know it quite well. Certainly, there is not enough on the southern reserves for the present population. The population is increasing, so there is no need to induce younger people to come out. This is the aim of the placement program of the Branch. I think the placement program is doing some good in alleviating this situation. However, our recommendation is that it is not enough, and that opportunities should be looked into whereby a group of Indians, as a team, could find employment in certain occupations, in a general area.

You mentioned the beet harvesting. Probably there are other types of activities, along that line, that could be carried out by a group. The most successful economic integration we have—and I do not see any better one—is the Six Nations—the Mohawk steel construction workers. There you have an occupation which challenges their traditional skill. There is a certain amount of mobility involved, which the Indians like. They do it as a team. One can help the other, and so on. If one leaves the group, he can bring information to others, and so on and so forth. There are other openings along those lines. Our world of work is complex, it requires all sorts of skills—and, not only skills, but there are ways of life imposed by certain occupations, which would be more agreeable to the Indians, whether it be in forestry, let us say, conservation work, etc. Of course, they do need training, as the steel builders did. However, if we guide some of them into these occupations, I think that these skills, and the naturalness, so to speak, of their way of life, would make

it easier for them to compete with non-Indians. Often enough, in these situations, we have to pay quite a price to get city people to go out and take these type of jobs. In this way, Indians would take a definite part in our economy, and their children could branch out elsewhere. I mentioned forestry work. Then, there is transportation. The Indian just loves any type of transportation activity. There is already a certain amount of Indian employment going on along the C.N.R. line in northern Manitoba and in northern Ontario. Indians do not mind taking section work; it is in the open, and close to nature. The work is not too hard, and they can take to the woods for a certain amount of fishing and hunting, every so often. Yet, it is very important to us to have section people looking after these tracks. There is nothing an Indian loves more than driving a truck and, in most areas, Indians prove to be very good mechanics. If we channelled them into these trades, skills and modes of life, they could make a better start. I have heard that this would mean a certain concentration of Indians in certain occupations and would bring about segregation. Concentration is inevitable. We have a concentration of Italians in bricklaying and mosaic work. They have been builders for 2,000 years and succeed better in this trade. We also have a fair concentration of Dutch people and Orientals in garden work. They have developed skills which are marketable. The segregation factor would be if we forced everyone into these occupations. If we do not offer them a chance to be successful as a group, so as to contribute as a group to our economy and to our way of life, it will be very hard for them to experience a sense of pride in being Canadians.

Our Mohawks have pride because of their wide reputation as steel builders, and other Indians across Canada know the Mohawks as steel builders and are proud of them. If there were certain areas of endeavour where Indians could be together, and where they would prove very successful, they would have a sense of pride in serving the nation in these occupations. It would not be permanent with each individual, or with his family, but with the group as such. We think it would be more successful than individual placement in various jobs, after short-term course isolated employment and residence.

Senator HORNER: Mr. Chairman, I have had a lot of experience of Indians, and I have had a great many of them work for me. May I say this, that I envy the Indians, by and large, because the great majority of Indians are living the way I think we should. They just go and hunt and fish when they feel like it. As far as going and working steady is concerned, if there was a sports day or a picnic came up, I could not leave my work, but they went and took their family along, and that sort of thing may have taken two or three days. They live an ideal life, the great majority. But the other people are chasing money and cannot afford this and cannot afford that; but with the Indian, if it is a case of a good time, there is no question about affording it. They are living the ideal life, the great majority of them.

Father RENAUD: Precisely because many of us think it is ideal, and there is an increasing development in tourists, fishing and summer resorts, I think here is another area where Indian communities and Indians in general could find great opportunity. They already have that opportunity in guiding us to fishing spots and hunting areas, but I think they could have more. Those of us who have summer cottages in Indian country, and who ask Indians to look after them during the winter, are quite satisfied with their work and so are those Indians.

Senator HORNER: But having them work the year round, with two weeks' holiday, that is no life for them at all; that is not freedom.

The VICE-CHAIRMAN: Any further questions?

Mr. SMALL: The thing I notice running through the submissions of the delegations that are coming here on behalf of the Indian, is that there does



not appear to be any cohesive policy from coast to coast. The east man comes up with a different complaint. Different segments of them are asking for something else, something to the contrary. Is there any possible way by which the thing can be started right, to give some kind of coordination amongst the Indians themselves, from coast to coast, and to start up and solve the whole problem for them? What we have been conducting lately is a hotch-potch arrangement. To get them in line on culture, the culture has to be the same throughout the whole dominion, to accomplish what you have in mind. On the other hand, you said, concerning the Indian, that his natural temperament is nomadic and he wants to travel.

I have had them work for me, and as long as we put them on rough construction work, and they were travelling, it did not matter what the orbit was, because as long as they were on the move they were happy.

I never found them wanting to go away for celebrations, but on the week-ends they would go and supply entertainment, and some would come back slashed with knives or razors, where they got into some form of physical exercise; and then we had to sort them out the day after, to get them healed up. I never found they were not steady workers, and they were all good workers. But as long as you kept them travelling, climbing and using their skill they were happy, as long as it was something they seemed to like. I have had some work for me for four or five years, and I never had any trouble with them at all.

Mr. McQUILLAN: I would like to ask Father Renaud this: Has your church taken any active part in trying to set up a placement program? I think of some of these residential schools in which your church takes an active part. I have never known any representative of the church come to me and suggest that perhaps we might find employment for some of those young boys as they left the school. Have you shown any leadership in that field?

FATHER RENAUD: Mr. Chairman, could I ask Father Mulvihill to supply the answer? He was principal at Kamloops for six years.

The VICE-CHAIRMAN: All right, Father Mulvihill.

Reverend Father James MULVIHILL (*Associate Director of the Oblate Fathers Indian-Eskimo Welfare Commission*): Most of the pupils at the residential schools either go on to high school, and then the department looks after them; or, the other ones, go back to the reserves. There is no terminal course available for the Indian pupil who is leaving school at 15 or 16 years of age.

Mr. McQUILLAN: I am not speaking of highly trained technicians. Many industries are quite pleased to take in boys at 16, and, if they show any aptitude, to train them themselves.

I do not ever recall being approached by any representative of any church to help provide employment for students leaving these schools.

Father MULVIHILL: We did, especially girls, getting them posts; and the boys would go into logging or into some seasonal employment; but there was no real policy.

Mr. McQUILLAN: You never had any program?

Father MULVIHILL: Not what you could call a definite program.

Father RENAUD: Our program has been, first, to get more terminal education for them. We could, and we did, in many areas, help our senior students, those particularly who had achieved high school, to locate themselves and carry on. We have helped any number of grade 10 graduates to take courses in technical schools, and so on. It does not always show that the church has any part in it, because it is all in cooperation with the Indian affairs. But there is constant action along those lines.

What we have been trying to say and repeat for the last five years, in particular, is that no amount of placement can be successful, on a wide basis, until we have facilities, personnel and authorization to give a terminal schooling, so to say, to the majority of boys and girls. This will come up again in the following section. We feel that our first job, the job we have contracted to do with the government, is in the field of education and not in the field of placement, as such.

We have not been satisfied with the program or facilities, precisely because it did not equip—well, we, as part of the structure, could not equip enough Indians to take jobs in various places. We have seen too many leave after they were 16 years old, without more than grade 6 or grade 7 level. There are so many of them, it would be impossible to try and place them individually.

Mr. SMALL: Do not the collegiates, generally, throughout the country, have a staff for placing the children as they finish their schooling, get them placed and generally make an effort to get them placed?

Father RENAUD: Yes.

Mr. SMALL: As to whether they could hold the job, it is up to themselves afterwards.

The VICE-CHAIRMAN: We are getting into the field of education now, and we have not started that yet. If you are ready to start with that, I will ask Father Renaud to continue on with the educational part of the brief. Are there any more questions on economic rehabilitation? If not, we will go on with the education part of the brief. This is page 5 of the brief.

Father RENAUD: We have approached education from a global point of view. We have not thought strictly in terms of schooling, in grades, and so on; but we have looked at it as a total process, whereby the human individual, beginning from birth, is equipped with skills, attitudes, values and patterns of behaviour—and information, of course. Gradually he is equipped to become an autonomous, self-supporting individual, who eventually marries, raises his own children, and starts the process over again. So we have looked at education in this global way.

We believe the school is just part of the process, and the answer to what type of school, or what should go into the school, must take into account the whole process, and the fact that the school, in itself, is not an absolute, or a miracle-working institution that can do anything with anybody. School is just one factor in this growing or developing process of the individual.

The process starts with the family, and the bulk of it is laid down by the families, in fact. The school takes over for specific purposes, based on what the family has already given to the child, and also on the fact that a good deal of education goes on outside of the classroom, in the total environment of the growing child, and that many other agencies—such as the organizations present in a community, religious, political, economic, etc., all the natural associations between families, friends, and relatives,—also come into the picture and help develop the child into an adult, well-equipped to carry on as a human being in his environment.

We point out that in our society this process is a continuous one. Having thus prepared our children for our type of school, the schools do prepare our children to go back into our society and carry on with improvements in the economic, social, cultural, and religious development.

When the process breaks down somewhere in our own society, special forms of remedial work are applied in order to make up for the breakdown, and to achieve the same result at the end. We have, for instance, whenever a family in our non-Indian society breaks down, institutions which have to take over. If the family breaks down physically, as in the case of orphans, or

if the family was not formed in the first place, in the case of illegitimate children, or if the family gets hard up economically, various institutions have to take over. In the same way when the family has been culturally handicapped in one way or another in relation to our school processes—For instance, in the case of immigrants from other countries whose children have not had the same start as ours in life—we arrange special classes, to give them a start in our schooling processes. We point out in our brief that, whenever a special class or a special school or institution is set up in our society, in order to cater to these particular needs, in order to make up for the shortcomings of home or local community, or friends and so on, no one refers to that school as being a segregated school, but calls it a special school. There is no segregation involved, in sorting out those with special talents, or handicaps, whether they be gifted children, or blind people, or deaf and dumb, etc. We do not like the application of the word "segregation" to Indian schools as such, because we do consider Indian schools as a necessity, due to the background of the Indian children and their prospective future.

We feel that, on the whole, in many areas, Indian children have educational problems of their own, which arise from their particular background, their culture, and these problems are best treated in Indian schools. We do not like the idea of calling them "segregated" schools, because the reason why children are there is not on account of race, but on account of home background, where they live, and so on. We agree that if other schools can cater to these needs properly, they should take the Indian pupils over at once. On the other hand we do not feel these later schools are integrated schools, just because children of various pigmentation are brought in. They are ordinary schools, that meet the needs of their pupils.

Just last week, *School and Society*, which is a professional magazine published in the States, had a whole issue on racial segregation. It pointed out that the term "segregation" should not be confused and that—

pupils who are put into different classrooms because of varying abilities to learn are no more segregated than those who are selected for the band, glee club, the basketball team, or the cheerleading squad. Some persons have unjustly smeared ability grouping, especially of the scholastic type, as undemocratic and segregationist without reflecting that pupils are under no compulsion outside of class to stay away from each other.

The article goes on to point out that if on account of geographic location, an urban school is located in a community where the residents are of one race, it should not be called segregated school. It says, further, that changing this isolation factor through bus transportation, just to make sure the children get into so-called integrated schools, is little short of hypocrisy. The school belongs to the community, and if it so happens the community is of a given group, the school should remain there. I quote this just to illustrate the way we approach the situation, and with what terms we are willing to explain our work.

What really worries us and our main concern in Indian education,—wherever it takes place—is the fact that, on the basis of surveys made already in Canada, and elsewhere, 80 per cent, in some areas, of the children coming from Indian communities will not profit from the regular process of our schooling system. In other words, they will not reach a valid school termination level, and that, as a result, they will come out handicapped, just as their parents did who went without or had little schooling. They will be unable to support themselves, to obtain a living and to support their own families. This situation will perpetuate the present situation of Indian adults who are unskilled and unemployed, who live on rations, and for whom programs of economic development have to be carried out.



We have tried to limit statistical information to the minimum, and we have given some of it in the appendix—on page 15—on the basis of the last government report to illustrate what we mean. Because the Indian home is culturally so different from ours, and the growing experience of the Indian children is diversified from that of non-Indian children, and because there is variance not only in language, but in motivation and attitudes, socialisation and so on, the average Indian child in Grade 4 is already behind his non-Indian fellow citizen of the same age, or in the same grade. This is particularly true in northwestern Ontario and on the prairies.

The prediction is that anywhere between 60 to 80 per cent of the population presently in our schools—I mean in schools in these areas—by the time they are 16, will have achieved just a little more than our grade 7 level of academic achievement. They will leave school then and there. Let us not kid ourselves about it. When a child is 16 years old he feels like a 16 year old child, and if the educational level he is at provides him with schooling experiences that are good for a 10 or 11 year old child, he is not interested any more in it. A girl, 16 years old, is more interested in love stories than in hearing about Dick and Jane.

The proportion of Indian children leaving school without a proper level of education with which they could support themselves, is absolutely appalling, and it will increase unless radical means are taken to change this situation. This is true in the States as well as in Canada. The latest findings from extensive surveys in the States recognize that, by the end of the sixth grade the Indian's achievement average in the three R's tends to be two or more grades below the standard norms for non-Indian children. As a result, they cannot go on to high school, for sure, or be admitted to technical schools; There are no vocational schools for that level. As a result, they are going to end up nowhere, and process will start over again, of bringing up children in cultural environments at great variance with ours. There will be a good number living in poverty, or supported on relief and welfare rations and what follows.

Even though there is an increasing number of students achieving grade 8 and proceeding to high school, the proportion does not change very much in relation to the whole group. Because of the population increasing, the available resources on reserves as exploited presently, are being depleted, and, as a result, we are heading into very serious problems.

It is on the basis of these observations that we have made the following recommendations.

The VICE-CHAIRMAN: I think we might as well adjourn now, and come back at 3.30, because we have another meeting at 11 o'clock, which we are all interested in appearing at. We will be back in this same room this afternoon at 3.30.

#### AFTERNOON SESSION

WEDNESDAY, June 1, 1960.

The JOINT CHAIRMAN: (Mr. Dorion): Ladies and gentlemen, I would thank my vice-chairman for making a good job. I understand that this morning Father Renaud gave some explanations on the brief which we have before us. I would ask Father Renaud to continue. I believe we were at page 7, paragraph 6.

Father RENAUD: Yes, Mr. Chairman; this is where we left off this morning. To tie up what was said this morning, we, in this brief, approach education as a global process which is part of living in a human community, and we like to look at the school as one of the agencies fostering the process, whereby

the human individual is prepared to assume his role in society as an autonomous, mature human being, supporting himself, contributing to the support of others in his family, and to the maintenance of his society as a community.

In relation to the Indian population across Canada, we have made the following recommendations, based on various studies that are already available; but that are not complete as far as our own country is concerned. The first one reads:

We recommend that a thorough and scientific evaluation of the true educational needs of Indian pupils throughout the country be carried out, in relation to a realistic appraisal of their after-school opportunities and responsibilities.

This is a carefully worded sentence, with this purpose in mind: we are aware that there are permanent Indian communities across Canada and that there are children growing up in those communities who, because of the culture present in these communities, are not equipped to take their part in our economy.

What kind of job has the school to do in order to remedy this situation? In order to find out what kind of job the school has to do, we feel that a survey, or an evaluation, of these needs must be made, one way or the other, under various auspices—(the means are not important at this stage)—to find out exactly what kind of future there is in practice, in reality, for these Indian boys and girls.

We cannot take it for granted that they have all the opportunities that other Canadians have,—for various reasons, such as geography, background, and so on. We know that, because of the community in which they live, their patterns and traditions, there are certain things they like to do, and other things they do not like to do, and so forth. We know that opportunities are, to a certain extent, limited. But these opportunities have to be exploited fully. In order to do that, we have to find out (1) what are these opportunities and where can Indian boys and girls fit best in our economy, locally, regionally and nationally; and (2) what do these boys and girls need in order to take part in these economic activities—and social activities too, of course—as they come up from their home background.

You have the end situation, and you have the entering-school situation. We have to know, if we want to do a real, efficient job of schooling these children, (1) what they need to have when they leave school, in order to enter the world of work and, to a certain extent, our society—at least, in some sections—and (2) how much of this they have already from their home, how much they do not have. This is necessary so that the schooling process will give them all that they need in order to fit into our society. We do not think that this can be done simply by looking at the child and saying, "He has two eyes, two ears, two arms and a mouth; he looks like any other child, and therefore we can give him exactly the same program and prescription for school as the other children, and he will succeed".

We cannot assume that children, whether they are Indians or not, are all blanks, and that if you pour the same content into their minds, you will come out with the same end product. Indian children, in many areas, come to school with quite a different preparation than the white children for the schooling processes offered and in relation to the final objectives of their schooling. Unless the gaps are filled during the school process, and unless what we teach them in school is tied up with what they have from the home, we cannot expect the result to be permanent. As long as we try to teach them without too much adjustment in our approach, we can not succeed very well.

It is agreed that the basic skills have to be the same—language skills, and others. But the function that these skills will have in the life of these Indians

may be—and in most cases will be—quite different from the functions that the skills will have in the life of the average non-Indian. So the school must equip the children with these functional skills, attitudes, and many other things. Unless the school personnel knows exactly what these needs are, it is impossible for them to do an efficient job.

Some individual teachers will achieve a measure of success, but that will not reach the majority of the children. This is why we recommend this type of survey. We feel that this evaluation program should involve more teachers in taking an objective look at the children they are faced with in the classroom, so as to adjust their methods, their personality, and contribute more to an improved educational process for Indians. I do not know that it is necessary to elaborate more on this, unless there are questions.

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any questions?

Mr. BALDWIN: Just one. As I understand you, Father, what you have in mind is that you should gear the educational system on a local basis, possibly, to fit the children, rather than having the children stretched into a uniform educational system for which they are not qualified; is that the effect of it?

Father RENAUD: Yes, that is the gist of it, Mr. Baldwin.

The JOINT CHAIRMAN (*Mr. Dorion*): Father Renaud, what is the average age of the beginners?

Father RENAUD: The average across Canada is around seven, and it is coming down more and more as more schools are opened and more classrooms and facilities are provided. It varies with some areas. In the northern parts of the prairie provinces they still come in around eight and nine, because there are no schools.

The JOINT CHAIRMAN (*Mr. Dorion*): Where?

Father RENAUD: Northern Manitoba, let us say, Saskatchewan, and part of Alberta. The branch has had a big job to build schools all across Canada, or to arrange to have schools built, and the population keeps on increasing at an almost double rate, so that there are not enough facilities yet. As a result, in a great many areas they come in older, which, again, creates a difficulty.

There has been a major improvement in the last five years, but it still is around seven. In southern Ontario and in Quebec, and in many parts of British Columbia now, it is six, I think. Is that correct, Mr. Davey?

Mr. R. F. DAVEY (*Chief, Education Division, Indian Affairs Branch, Department of Citizenship and Immigration*): That is correct.

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any other questions on that paragraph of recommendation?

Senator MACDONALD: Mr. Chairman, back in 1912 I was interested in an industrial school. Have you still got industrial schools on reserves that teach ordinary, academic things and which also teach carpentry, shoemaking, and what have you?

Father RENAUD: There are not exactly industrial schools any more. Those industrial schools had divided their program into the half-day system; half-day academic and half-day vocational. Now, all the schools across Canada, to my knowledge, are on the system whereby academic teaching is supplemented with a certain amount of—it is not vocational teaching, but a vocational approach, teaching through manual work, home economics, beginning around grades 5 or 6, according to the facilities. That is, of course, in the residential schools. In the day schools, it varies, according to the size of the school, the proximity to a larger school, etc.

Senator MACDONALD: I have a further question, Mr. Chairman. Take some of those schools that are on the reserves: have they large acreages of land where they can teach the boys farming?



Father RENAUD: Well, the answer would be no, as far as British Columbia is concerned, I guess. Most reserves are in rather rocky places.

Senator MACDONALD: Look at the number of boys out working on the farm. Is that going on yet?

Father RENAUD: Not much any more. The stress, in the last ten years, has been on the academic side of training in order to upgrade the pupils and make it possible for them to enter into high school.

Senator MACDONALD: Pardon me, Mr. Chairman, if I continue. I was just wondering if that is a good move. It was a good move, many years ago, when the boys went to these schools. They had their classes and, a little later on, they took part in farm work. They learned farming, how to feed cattle, and all the rest of it. I wonder if it is a good move to move away from that principle?

Father RENAUD: Well, this leads us to other recommendations, particularly the next one, where we recommend an analysis of the after-school achievements of pupils from various areas and in different types of schools and school situations, in order to identify the best ways of meeting those needs according to home and community background. So, there have been various instances of various natures, including industrial schools but, to my knowledge, there has been no complete evaluation or a survey of the outcome of various schooling processes. I understand there is one on the way now, at the grade nine level.

Mr. R. F. DAVEY (*Chief, Education Division, Indian Affairs Branch*): At the present time, we have a number of experiments or surveys going on, and these are related to this problem.

Father RENAUD: And these should provide an answer to your question, Senator MacDonald.

The JOINT CHAIRMAN (*Mr. Dorion*): Are there any further questions on this paragraph? If not, will you continue, Father Renaud?

Father RENAUD: I might add that by suggesting this survey, or various surveys, we have thought we would find an answer to many questions that are debated across the country here and there. A great deal of sentiment is involved, rather than objectivity. People feel it should be done in this way, or that way. Let us look at the facts, and find out what the result of this or that type of school is. Why did this type of schooling succeed, and why did this type not? This is the only way we can develop a body of knowledge which will improve our teaching methods and situations. Without objectivity, we will go from one experiment to another, without any definite tradition.

Recommendation No. 8 concerns what I summed up this morning, from pages 6 and 7 and the appendix, namely that immediate steps to provide adequate school facilities and courses of studies to meet those needs, particularly terminal classes for all pupils unable to complete grade ten and carry on with vocational training of one kind or another.

Now, as I pointed out this morning, the situation varies from one area to the other, but there is a very large population of Indian pupils who will not. That will go on for quite a while yet. They will not reach above a grade seven level of academic achievement, and they will not qualify to enter full-fledged high schools, technical schools and other educational institutions. Unless ways and means are taken to give them a termination, so to speak, whereby they can live a little better than their parents, there is no way out of the present situation. We have studied this time and again, and we are satisfied that in some provinces this is already at work, under provincial auspices, like in Quebec—the system of trade schools which they have, allows for admission at various levels. After grade seven, they can go into certain types of occupational schools or situations. There is a development, along those lines, in British Columbia, which is also quite significant. However, there is nothing of that

nature on the prairies, and even in Ontario, the terminal program or the special classes—or whatever they call them—are still restricted to larger cities. Each community is allowed to operate special schools for children who are not going to enter high school, trade schools or vocational schools, but it is not organized on a provincial basis. We feel it is no good to wait for the provinces to provide these facilities, because the population goes on in the reserves, and they are going to leave school, marry and raise children, and the country will have to support them.

So, if we want to cut this vicious circle at the root, we must reach that bulk of the upcoming Indian population, and meet their needs squarely; otherwise, we will not complete the schooling process to which they are entitled as Canadian citizens.

To illustrate what type of course we have in mind, we think the same approach should be used as that for children with mental or physical handicaps in our larger cities, such as Toronto, where they have auxiliary classes and special classes. In places like these they teach the basic skills, with a functional approach in relation to certain occupations which will be open to these pupils after they leave these schools. We can do the same thing for the Indians. We could teach them the same skills, or skills pertaining to a particular type of work and, at the same time, improve their education as future Indian citizens—and by this, I mean that in these schools, in connection with these programs, there should be what could be called Indian social studies, for instance.

We have to develop a leadership in the schools for the Indian communities, and we will not develop it exclusively with the high school pupils. In fact, most of the high school graduates will, in all probability, not come back on the reserve; they will take up occupations in various parts of the country, and live away from the reserves. So, our Indian communities will be made up of the children from that less educated group and, unless we prepare them to assume a certain amount of responsibility in the Indian communities, we are not developing the communities. The communities will go on, but without proper leadership—and this is why we feel this terminal program of education should include Indian social studies, in order that the young Indian boys and girls may be able to face the situation in which they are going to move—and, at least, raise questions in their minds as to what could be done.

The great problem in Indian education—and most experts will agree with this—is motivation. How do you get the Indian children to carry on with schooling? It is a known fact that they do not react to the same incentives as we do. Most of our children are motivated to go to school because of obtaining a better job, receiving more income, and so on. This does not work with the majority of Indians. It is our experience, to a certain extent, where we have been able to apply this, that you can motivate Indians, even those who lag behind in their grades, to carry on with a certain amount of further learning, if it is adjusted to their limitations and to their immediate future, if you centre it on their own communal needs. They are group-conscious and are aware that certain things are not too good in their communities. If you face them with a situation, and say: "Look; do you want to go on living like your parents have had to do, because they did not have this or that in their education? And do you want to be always referred to as this and that type of Indian?"—if you approach them in this way, you can lead them on to take a certain amount of further training. This is the only way that the majority of them will take it. Otherwise a straight program discourages them and they drop out. This is why we make this recommendation. We think it has to be given serious consideration and at once, because otherwise the circle goes on and on.

As I said earlier, this does not apply fully to all the provinces, because of many steps taken in the right direction, but in some areas like on the prairies it certainly does apply.

Mr. THOMAS: At what age should the school authorities sort out these children who are not going to finish grade 10? A decision has to be arrived at somewhere along the line, if you are going to put them into these so called terminal classes.

Father RENAUD: It is easy enough to do it with the older pupils; with those who enter school at the age of eight or nine you know that the great majority of them will not reach the grade eight level and carry on.

Mr. THOMAS: Are we to understand that you are advocating special instruction for this type of student?

Father RENAUD: Yes, definitely.

Mr. THOMAS: You would not use the ordinary curriculum in connection with them?

Father RENAUD: Definitely; that is what we recommend.

Mr. THOMAS: Do you not think that your recommendation would tend seriously to upset the whole educational philosophy of Indian education? At the present time I understand they are trying to use the regular provincial standards in most cases and to put Indian children through the same course of instruction that is standard all over each province.

Your recommendation is that this be given further consideration, and possible substantial interference so far as Indians are concerned.

Father RENAUD: If it is not going to prepare the Indian to live properly, and if he is going to drop out—you see, our schooling process is spread over a period of 11 to 12 years, is it not?

Mr. THOMAS: That is right.

Father RENAUD: And things are graded to a certain extent together, in an all-round training, so that when the child leaves school, though he has to a certain extent further learning to do; at least he does have a broad basis. But the majority of Indian children in many areas drop out at the grade seven level, and they miss out on so many things which are very practical, that they have just half an education.

For instance, take the girls in home economics. In our schools that subject is taught at the high school level, and it is spread over all these years. The majority of girls in Indian schools in many areas are going to be home-makers within four or five years; and if they quit school, as so many of them do, at grade seven, how good are they to raise children and run homes the way we would like to have those homes run?

Mr. THOMAS: I would think that your program would have to be applied on an age basis rather than on a grade basis.

Father RENAUD: The provinces feel, I would say, that inasmuch as it is a question of the curve of learning, if you do not reach a certain level within a certain age, you will lose interest, because your tastes, your attitudes, and so on are changed, and the school program at that level does not meet your expectations any more.

Father MULVHILL: Mr. Chairman, we notice at our grade six level in the schools that we can evaluate the children from the tests that have been given, such as the I.Q. tests, or other tests, and tell whether they are going to be able to go on to high school; and if not, at let us say the age of 14, at grade six level, that would be the time to put them into a special course. Otherwise if you thought they had the talent to go on with a high school course, then all very well.



Senator STAMBAUGH: As soon as you pick them out at that age, would it not tend to start an inferiority complex in them?

Father RENAUD: Life will sort them out if you do not do something about it, and then they will really have an inferiority complex; and if they have nothing with which to earn their living, and do not have the basic skills to operate as citizens, then they will definitely be inferior, and will end up at the lowest level of our society.

Senator STAMBAUGH: Do you not teach home economics and shop work before the high school level?

Father RENAUD: We do, for half a day a week; but that is not enough for these children, or we do not think it is. You see, the auxiliary program or special course program in Ontario works on a half-day basis, something like the industrial schools; and the teaching of items like arithmetic and everything else is geared to the type of activity, social, economic and so on, which this type of activity or occupation or level of living will involve, instead of the general literary training and so on and so forth, which is part of the program.

Senator INMAN: Would it be necessary to stick to half a day a week? I think in some of our own schools they go further than that.

Father RENAUD: You mean academic training?

Senator INMAN: No, I mean home economics, as something which could be stepped up.

Father RENAUD: Oh yes, definitely; it could be, let us say, on a one-year formula, with most of it being vocational; they might learn to earn a living, so to speak and a certain period of the year or of the week be assigned to conventional academic training.

Senator STAMBAUGH: Under the present system, who decides that it has to be just half a day a week, or a whole day per week?

Father RENAUD: As you mentioned earlier—I think it was you—it is the province which sets the course of studies for everyone. Unless the province approves, it cannot be done.

I have discussed this with some provincial government officials at the higher level, and they said that they would be willing to consider it if they were told of these facts.

Senator STAMBAUGH: Have you tried in connection with the provinces? You could hardly expect the federal government to step in and to suggest it, or would you?

Father RENAUD: Well, constitutionally speaking it is the federal government which is responsible for the education of Indians. The federal government must see that these children are educated. The federal government is not necessarily responsible for providing the how and the means, but it must see that they are educated properly for better living. But as to these questions you are asking me, I am not in a position to answer them. I am not a government official.

Mr. THOMAS: I wonder if we might have a statement from Colonel Jones or from his assistant, Mr. Davey, covering the authority of the province so far as Indian education is concerned?

Mr. DAVEY: With regard to the application of the provincial curriculum to Indian schools, I understand that it is strictly within the purview of the federal government. If, however, an Indian wishes to proceed to a provincial high school or university, of course he must meet the entrance requirements for those institutions. So in that sense the Indian schools must conform to the provincial requirements. With respect to adaptations to the provincial

curriculum, these are made now as Father Renaud has pointed out, in some cases, for children who are obviously not going to proceed on to one or another of the provincial institutions.

Reference has been made to terminal courses which are offered presently in Indian schools. These courses do not necessarily have the blessing of the provincial authorities. The branch has recognized that a number of Indian students will not be able to meet the requirements for admission to high school, vocational training institutions and universities and has, for that reason, introduced these terminal courses.

We cannot help but look back through the record over the last 100 years and notice that this idea of placing emphasis on vocational training is not a new one. The first reference to this type of training I have seen in my reading, is one that was made by Dr. Egerton Ryerson when he recommended the establishment of the industrial schools to which reference already has been made. Subsequently, about 1935 or 1936, the branch embarked upon a program of emphasis of what was considered vocational training or pre-vocational training. The result seemed to be that this program was undertaken at the expense of training in the academic subjects. Consequently we find that during this period from 1850 until 1945 there was practically no appreciable increase in the admission of Indian children to the high school grades. However, since 1945 there has been a comparatively rapid increase in the educational status of the Indian children, that is those of school age.

This does not suggest that terminal courses should not be offered, but we feel we should not water down the academic program to the disadvantage of those student who can proceed through the normal provincial curriculum.

I might mention one more point. In recognition of the need for these terminal courses, a brief was presented to the Federal-Provincial Advisory Council on Vocational Training only two weeks ago, asking for the cooperation of the provinces in the introduction of courses such as those which Father Renaud has mentioned.

Mr. MCQUILLAN: Is it thought that these courses which are being proposed could be included in the curriculum of the average school? Would this not have to be in specialized schools, with specialized teachers and located perhaps at a central point—perhaps one or two schools in a province. It could not be at every Indian residential school.

Father RENAUD: No.

Mr. MCQUILLAN: In that event, if this is recognized, why should not use be made of the existing provincial technical schools?

Father RENAUD: Well, on the prairies, there are very few of them and they are overcrowded. They have to operate, on a selection basis because they do not have enough space, and they do it by raising the standards of admission all the time. This eliminates the Indians from being admitted.

Mr. MCQUILLAN: Would you not agree that if the Indian youth is going to work alongside the white Canadians—if we call them that—he must learn to associate with them in his training.

Father RENAUD: Yes.

Mr. MCQUILLAN: And he cannot be separated in an Indian vocational school. One of the first things he must learn, if he is to be successful in employment, is to work with men of all nationalities and races.

Father RENAUD: Yes. This is the reason for the approach Mr. Davey has just mentioned. Cooperation between the provinces and the federal authorities is essential in this particular field. Where it has been put in practice, for instance, in British Columbia and Quebec and also in parts of Ontario, it has proved to be successful for the boys and girls taking those courses. It is a ques-

tion of time; before the same opportunities are available everywhere but the need is now. As soon as possible I would like Mr. Davey or someone in the branch, to give us some statistics about the number of terminal courses now in operation, how many Indian boys and girls are able to attend, and so on.

Senator STAMBAUGH: While Mr. Davey is looking that up, would you answer this. Have you considered taking advantage of the provincial agricultural schools?

Father RENAUD: I think it has been done in some provinces. I know Alberta has run courses for young Indians, and so on. Agriculture is a thing you cannot generalize with all Indians.

Senator STAMBAUGH: But they teach many things other than agriculture in the agricultural schools. They are not overcrowded; at least they are not in Alberta—they have fallen off. The number of pupils attending there has been falling off for several years now, and some of them have been closed.

Father RENAUD: There is no doubt that there are facilities; but the question is are the Indians guided efficiently enough towards these facilities. There is a tremendous program of guidance presently being set-up across the country by the branch. I would like to see more of it. The emphasis is on "adequate".

Senator STAMBAUGH: I wonder whether you have taken advantage of that and have tried to guide them into those courses? That is what the question refers to, in your own case.

Father RENAUD: In our case?

Senator STAMBAUGH: Yes. Have you considered the advisability of guiding many pupils into those agricultural schools? I take it you are a school teacher in an Indian school, or at least it is a part of your duties, is it not?

Father RENAUD: Yes, in a sense.

Mr. BALDWIN: I was thinking of the situation where a number of Eskimo people came down from the north and received vocational training at the agriculture school at Fairview and Olds. Is it not correct that they had a very good record in connection with the mechanical and agricultural training they got there? Do I take it from what you say there may be a large number of what we call drop-outs from school because of the environment and background of some of these Indian children at a certain stage, which does not enable them to conform to adapting to the orthodox and uniform academic school system.

Father RENAUD: Yes.

Mr. BALDWIN: You are suggesting, at that period, if it becomes apparent they will drop out, that rather than have them drop out it is better to have them finish off with some practical training, so they will be at least half a step above where they were previously.

Father RENAUD: Yes.

Mr. BALDWIN: That requires, I suppose, specialized knowledge in the case of a teacher who is in direct and immediate contact with these pupils?

Father RENAUD: Yes.

Mr. McQUILLAN: Mr. Chairman, is there a danger that by lowering the standards of entrance to these technical schools, and such, you are destroying an objective, or might destroy an objective and that is, to instill into the Indian children ambition to do better—and that they would all be inclined, more or less, to level off at grade 7, if they were allowed to enter those specialized training schools? Is there not a danger there?



Father RENAUD: We are not asking to lower the standards of presently existing institutions, but to provide some institutional facilities to reach those who do not come up to these standards.

Mr. McQUILLAN: Well, I think it has been found from experience that if we lower the standards of education, or the standards of requirement for advancement in education of the white children, that they tend to lose sight of their ambition and to quit school quite young and enter into specialized fields, if they will provide them with a little additional income in employment. That is what I am getting at. It seems to me that there is a real danger there that once you start, you will never get it stopped.

Father RENAUD: I still do not understand how this approach would lower the standards anywhere. At least, as we see it, we are trying to raise the standards of the Indians, and this, we feel, for a large number, is the best approach.

Mr. BARRINGTON: I think the same program you propose is actually being tried out in white schools today.

Father RENAUD: Yes.

Mr. BARRINGTON: I know that in my own riding it has been considered a central school in training, because it is not only among the Indian people we find this condition exists; it exists among the white people too. I think it is an absolute necessity, if we are not going to turn them out without any education and any training of any description.

Father RENAUD: Yes.

Senator MACDONALD: There is one point I am a little foggy on yet. After your pupils have left school—what is your top grade on your reservations, and so forth?

Father RENAUD: It depends on the size of the school.

Senator MACDONALD: Is it grade 7 or 8?

Father RENAUD: In the day schools, on the reserves, the average would be around six or seven.

Senator MACDONALD: All right then. If they want to go to high school where do they go to high school—integrated schools, mixed up with white children?

Father RENAUD: It depends where they are, in what province and what facilities are available.

Senator MACDONALD: Has that worked out all right?

Father RENAUD: Do you mean, are there enough going to high schools?

Senator MACDONALD: What I am getting at is: In this integration, mixing up with white pupils, are they getting along with the white pupils? You know what I mean.

Father RENAUD: Socially?

Senator MACDONALD: Yes.

Father RENAUD: I would like to ask Father Mulvihill to speak on this point. He has more practical experience on that.

Father MULVIHILL: In British Columbia it has worked out very well. There are some instances where you find a small town, where the past history of the older people evidences a lack of kindness towards the Indian, and the Indian children feel that themselves and tend to keep to themselves. But, on the whole, it has worked out. In north Vancouver, they offer the three different categories—but not everywhere in British Columbia. Elsewhere they do go to high school, up to grade 12 in residential and public schools, or stay at hostels now or board with white families in the cities; and they go to school with the other children. I think it has worked out very well.

Father RENAUD: The most recent survey from the United States, where they have had a longer experience with mixed schools, states that the non-Indians tend to choose non-Indians all along, and the Indians tend to choose Indians for their friends in the mixed schools.

Mr. CHARLTON: That is not so in the case of anyone attending high school from the Six Nations, I do not think. The integration there is very good.

Father RENAUD: I think it depends on the areas. I know that in Quebec, for instance, where there has been a long standing friendship between the Indians and French settlers and their descendents, the Indian children are quite welcome and, in fact, are very popular. They are invited into the homes, and so on. It does not seem to be the case on the prairies everywhere, because of a different tradition of settlement. There the Indian was considered in the way and was pushed aside on to reserves, and so on. This feeling remains. Many Indians who start going to high school in integrated schools or mixed schools sense it,—and that is one of the excuses they give for dropping out. They do not feel at home very much.

The JOINT CHAIRMAN (*Mr. Dorion*): Is it a question of education, of training?

Father RENAUD: Yes, to put it in a given way, let us say it is not enough to send the Indian children physically into a non-Indian school. That in itself does not bring about so-called integration. There is the need for interpretation of both to each other, particularly in areas where there have been historical clashes between the groups. Unless this interpretation is done, then integration in the classrooms can miss the purpose altogether. After all, a child goes to school, not first and foremost to become socialized with another cultural group; but to learn—and if he leaves school because the process does not appeal to him, even if he is socialized, I do not think that we have achieved the purpose in sending him to a mixed school.

On the prairies, it has been our experience that the bulk of Indian youth fares better academically in a school of their own, where they can help one another, where they can compete with one another, and where they do not feel they are handicapped by their racial background. They see others from their own communities or areas doing well, and they think, "If he can do it, I can do it"; whereas if they go to non-Indian schools this pattern does not seem to establish itself except for the brighter ones, who have no difficulty adjusting anywhere anyway, and succeed fairly well in mixed schools.

In some areas we have found out, also, that if you go beyond a certain number of Indian students in a given school, you reach a point of diminishing returns. The Indian students group together and there is a kind of friction between the two groups. There is rivalry; and then you do not have the integration process developing. Many principals of mixed schools have noticed it and said after admitting a given number: "We have enough; it is no use to have more. It won't work."

Mr. BALDWIN: Would you say that as a higher standard of education is reached there is more likely to be a mixing and integration between the Indians and the non-Indians?

Father RENAUD: Yes; and children of educated Indians, let us say, have no trouble associating from the very start.

Mr. SMALL: What would be the percentage of the Indian, as compared with the non-Indian—I do not want to say of "superior intellect," but perhaps of higher intellect, that go to high school; assuming that they become eligible to go higher up?

Father RENAUD: The proportion is not comparable yet, for various reasons. A good deal of it has to do with the home experience of the majority of Indians. It takes them longer, in many areas, to cover fully and assimilate fully, let us

say, the eighth-grade program of the elementary school. As a result, they are older in age when they reach high school entrance; and by that time they have reached their maximum thirst for knowledge, so to speak. They attend for a year or two and that is about all.

Another factor that plays a part is this. There have been certain studies on this. As you proceed in the grades towards higher education, the influence of the home community and home environment on a child has a great bearing, inasmuch as the opportunity to study things that are more complex—mechanisms, or abstracts, and so on—that are definitely not present in the Indian community or in the Indian home. One education specialist in the States, for instance, points out how he has a child going to high school, and he says, "Of course, it is easy enough for him. At home he has a radio to play with; he has a second-hand car to dismantle. He has all sorts of tricks. If he does not have them, a friend of his has them. So the school program which he has is usually an on-going experience of growing up in that community."

Mr. SMALL: Parents can supply something extra and teach them.

Father RENAUD: That is the biggest factor.

Mr. SMALL: It is not because his intellect is not keen enough to grasp it?

Father RENAUD: No; it is the start he had and the help he gets. So few Indian parents yet have gone through high school. They do not know what it is all about, to start with; whereas I would say that the majority of our parents have.

Mr. SMALL: We have the same trouble in the schools. A certain proportion will not get to that point. They get an education that will fit them to go out and get a job in the industrial world; but the ones that show aptitude for mathematics, engineering, science, and that sort of thing, do not go on. There will be the same proportion, I suppose, amongst the Indians as there would be in the non-Indians?

Father RENAUD: There should be, in a normal population.

Mr. BALDWIN: Would you like to comment on the wider educational horizon opened up to the Indians, now that they have the franchise and are listening to election meetings?

Father RENAUD: This is a lead, Mr. Baldwin. (laughs)—Inasmuch as in educating Indians, unless we take into consideration the political factors in our country and teach them these factors when they are in school, we will not get them interested in taking part in the political life of the country. This, again, is another thing which should be included in terminal education.

We study in high school about our parliament and form of government, and so on. The majority of Indians will never do so. To them, Ottawa is the Indian affairs branch, and it is all in one building—Parliament. They come in here and feel that everything takes place in Parliament. I have known of some of them who came to Ottawa to see me, and they came here first. Of course, the Sergeant at Arms did not know whom they were talking about. But it is a fact that too many of those children will never hear about our institutions and know how they operate, because they will not reach high school. Again, this is another reason for terminal courses, adjusted to the curve of schooling that these Indians need.

Mr. SMALL: As one of the handicaps that you were talking about, the Indian going on to high school, or to the elements of their higher education, where it interlocks, is because they have not a large enough population to keep a high school going, or to keep the administration or the complement necessary to keep a high school going.



You would have to send them to certain areas and maintain them there, where there are many Indians and where you could have all Indians. Otherwise you could not keep a high school going, on a small scale.

Father RENAUD: That is right; and we know that some of the boys and girls do not go to high school because of these reasons, because they have no opportunity close by, or they do not want to go to nearby non-Indian schools. Whereas we know that at a place like Labrecque, we have a very substantial portion of Indian children who would never have gone through high school grades if it was not for the fact that they have a school of their own of which they can be proud, and they can compete in academics, sports, music and so on with other non-Indian schools of the same calibre.

Mr. SMALL: You have high schools like that?

Father RENAUD: There are a few of them. We feel there are not enough.

Mr. SMALL: Do they teach them history and the traditions of the Indians—in other words, the preservation of their culture?

Father RENAUD: Yes. They study the Indian act, the treaties, and all these things. They take that under Social Studies.

Senator INMAN: What curriculum do they have in grade seven? What subjects do they take?

Father RENAUD: Generally speaking, it is the same curriculum as in the other schools of the provinces, for the reason Mr. Davey said a moment ago—to give a chance to those who can to carry on, and proceed to the high school level of education. But it is precisely because it does not meet the needs of the majority, that we feel something else should be added. What is already being done must go on, for those who are going to proceed to high school, but the others need something further.

Mr. MCQUILLAN: From the information given to us by the various witnesses who have appeared, it would seem that Indian education is a more serious problem in the prairie provinces than generally throughout the rest of Canada. Is that not possibly because, unlike British Columbia say, where there are small reservations and small communities, the population is scattered more, and on the prairies they tend to live in larger communities of their own. The witnesses have stressed the need for larger reservations. Perhaps that is the drawback to education.

Father RENAUD: The larger reservations?

Mr. MCQUILLAN: Yes.

Father RENAUD: It could go both ways. Once you motivate a community toward education, you get them all.

Mr. MCQUILLAN: But these large communities of Indians, on these large reservations, do seem to accentuate the problem on the prairies.

Father RENAUD: Really, I am not sure this is the cause. It would be true of a couple of groups that I know of, who are highly nationalistic minded.

Mr. MCQUILLAN: If they had five times as many reservations, but much smaller, and scattered throughout the area, do you not think—and I know it is too late now—that integration would have come much faster, and the educational problem would have been solved much easier.

Father RENAUD: You have touched a point that has been underlined by many, in regard to smaller groups. They could not support themselves too well before the coming of the white man, and they have latched on to the white man when he came. They provide labour, and so on. That is true for the interior. With the coastal Indians, they had the village life already so, setting up a day

school, put them in business; whereas on the prairies, you have much larger groups scattered all across the big reserves. The attendance at schools was pretty low, unless you put them in residence—and this again created a certain amount of friction among the groups.

I feel, though, the reason why the prairie Indians are behind is not necessarily the large reserves down south, but the fact they have had schools just very recently in those areas. They were still quite nomadic, and they would not attend school regularly—even the residential schools. In northern Alberta, the residential schools were not large enough to take all the population of school age, so the kids took turns. The parents would send one or two children for three years and, as these reached a certain age the parents would bring them home to help mother or father, and send the younger ones, and so on. As long as you cannot reach all the school age population—and they take turns—you do not get anywhere. However, in many areas on the prairies, they have now settled down to a sedentary existence, and day schools are beginning to show some results. But, even at that, in the meanwhile the economy of these groups has deteriorated by the increasing population and the depletion of game, and so on; so that the Indian homes do not support the child physically enough to get the best out of schooling. When you have a reserve, where the children go to school without a hot breakfast—or without any breakfast—you cannot expect them to learn too much during the morning session—and this still goes on in many places.

The JOINT CHAIRMAN (*Mr. Dorion*): Are there any further questions. If not, we will go on to the next resolution.

Father RENAUD: I have to apologize—

The JOINT CHAIRMAN (*Mr. Dorion*): To what resolution are you referring?

Father RENAUD: Resolution number 9, on page 8. There is a whole series of very important words missing after the words "specialized courses". In some way or other, this has been overlooked in the typing process. The section should read as follows:

"...Specialized courses be organized under university or teachers college auspices, to train teachers and other educational personnel in adjusting courses, methods and facilities to the local and regional cultural background, and true occupational future of Indian pupils."

I would like to think this recommendation is self evident. It has been said by many groups, other than our own, that Indian children, in many areas, are still directly influenced by the traditional culture of their communities and, because of that, they are not as well prepared to attend our type of schooling as the every day non-Indian child. Unless the teachers are aware of these shortcomings of the Indian home, and to some extent familiar with the process of switching children from one culture into another, the results of the schooling processes will not be very successful. There has been a start in that direction, through summer courses here and there. However, there has certainly not been enough. We cannot expect a teacher, either if he is fresh out of normal school, or teachers college, to go into an Indian school and teach Indian children successfully, whether it be in a federal school or a mixed group, without a certain amount of this type of knowledge and information. Either he will experiment with the children, and he will be successful and will remain there, or he will not be successful and the Indian children will miss out on the schooling processes to which they were entitled. We do not think it is necessary that each teacher should do his experimenting on such a large scale. We feel from experience—what has gone on in our country, and elsewhere—that a minimum of training, both at the teachers college level and by in-service training is required to improve conditions. We are not being fair to the Indian if we do not cater to their background positively.

I mentioned motivation, earlier today—how Indian children, in many areas, do not react to the same incentives as the non-Indian children. This is true, particularly in the classroom, in relation to the technique of competition. Our school system, like our whole society, is based on the idea of cooperation by competition. We cooperate by competing with each other. This is not a pattern which is generally found in Indian communities, particularly in those which had a strong hunting economy—where they shared everything. In many classrooms, the children do not react in the same way to questions you ask them, as do non-Indian children. Often enough, teachers are at a loss on how to deal with them. We feel that if they were helped and guided along these lines, the teaching processes would be improved tremendously. As I said, there has been a certain amount of that going on, but it is so little, in relation to the number of children attending schools across the country and the number of teachers hired. We know that government officials are aware of the situation; and we know also that they understand the need for improvement. But the fact is that they are too busy with the staff they have, just planning schools, building schools, conferring with school boards, and so on, that they are not in a position to organize training programs along those lines.

There is an increase in the personnel in the field, and we like to think that this personnel will arrange to have provincial institutions carry on courses for teachers. But we would like to have this training recognized as a requirement, for those who are hired to teach Indians in federal or other schools.

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any questions on this part? If not, would you please go on to the next recommendation.

Father RENAUD: Recommendation No. 10 reads as follows:

That special emphasis be placed on the choice of teachers so as to select those capable of imparting not only knowledge but also character formation;

This reflects on educational philosophy. Some people think that it is enough for individuals to know things, and that they will behave well. But our experience particularly in dealing with Indians, has been that there are very many factors, such as demoralization in the centres of living, and lack of control over their own affairs, together with a certain amount of radical prejudice, or at least misunderstanding, of the Indian, plus the traditional Indian temperament as it varies from one area to another—but which is constant in each area—and that all these factors play up against successful integration of our Indians.

Therefore just instructing them in our way of life we feel is not enough. We believe that special education must be given to character-training in relation to the background culture of the Indian. The Indians have traits which are good, and others which are somewhat, shall we say, inimical to our way of life. But they have to be looked after; the Indians have to be helped to develop a type of character which will make it possible for them to operate successfully in our society.

There is a large amount of attention to be given as to how they are to be educated with respect to the character of our Indian population. Otherwise when they come into contact with our white population, the efforts spent in schooling and in instructing them are almost lost because of a wrong start in life.

The JOINT CHAIRMAN (*Mr. Dorion*): Father Renaud, how are teachers actually recruited? I suppose they have a certain form?

Father RENAUD: The personnel is recruited strictly according to professional training. The branch has had to hire so many teachers that it had to start first with the primary essentials.



The JOINT CHAIRMAN (*Mr. Dorion*): Father Renaud, how are teachers respect to the ability to train Indians?

Father RENAUD: No. But I suppose if someone were to apply who had poor character, he would automatically be turned down, would he not?

The Joint CHAIRMAN (*Mr. Dorion*): Have you any questions on this point? If not, please proceed to your next recommendation.

Father RENAUD: Recommendation No. 11 reads as follows:

That the salaries of teachers in Indian schools be adjusted to compete with local scales in order to attract personnel qualified to cope with the special needs of Indian pupils;

The words to stress are "in order to compete". The Hawthorn report pointed out that in order to get the best and we need the best to do such a specialized job—you must offer not only equal salaries, but better salaries. This goes not only for teachers, but also for all educational personnel.

Efforts are being made constantly to keep the standards of pay for the teachers at a par with provincial standards. We feel it should be more than that. Also we feel that the other educational personnel, namely inspectors and other persons, should receive higher salaries than they are now. What happens is that young teachers who are qualified and enter the service assume positions as inspectors and eventually have families of their own. Their children grow, and they want to give them a university education. They cannot afford to do this on their salaries. It is a very serious problem. I know the Branch itself tries to find ways and means to overcome the situation. We would like to endorse their efforts along that line. We feel that if we lose our inspectors after they have had five years service, we are losing them about the time they get to know the situation well, and their leadership is therefore lost. There is a great danger in this.

The Joint CHAIRMAN (*Mr. Dorion*): What is the actual situation?

Father RENAUD: Mr. Chairman, I think Mr. Davey could answer this better than I.

The Joint CHAIRMAN (*Mr. Dorion*): Would you answer, Mr. Davey?

Mr. DAVEY: I am not sure I understand the question.

The Joint CHAIRMAN (*Mr. Dorion*): It is in respect of the salaries of the inspectors in the Indian service.

Mr. DAVEY: I would hazard a guess that the salaries paid the inspectors in the Indian Affairs branch service are in the neighbourhood of \$1,500 below the provincial average.

Father RENAUD: In relation to this idea of competing with better paid jobs, we have the instance of the Department of Northern Affairs which through its northern allowance, in particular, does offer very good financial conditions and does get large numbers of applicants for the openings there. They are able to choose from a greater number of applicants.

The Vice CHAIRMAN (*Mr. Dorion*): The next recommendation is No. 12.

Father RENAUD: Our next recommendations are built on the idea of community life. As mentioned time and time again our boys and girls leaving schools to start homes do not have the opportunity to bring up their children in the same way the non-Indian children are brought up so as to be better prepared for the schooling processes. In some areas, they may have had enough educational opportunities but they do not have the facilities to put in practice the skills and information they have picked up in school. This is why we have made this series of recommendations. The core of our thinking is that we must transform the Indian home, which is the institution producing

Indian Canadians, and bring it more closely in line with our average Canadian home physically and culturally. Otherwise they will always be faced with this handicap.

Recommendations 12 and 13 are about housing: "that the present housing program initiated by Indian affairs branch be affiliated and incorporated into the community development program suggested above, and particularly that young couples with small children be given top priority in receiving new houses." I imagine the branch would answer that it is the Indians themselves who decide who will have the houses. That may be, but they should be told these facts; that if the young couples move into the old shacks left by the older people who are getting the new houses, this is not an improvement. The older people probably have spent the best part of their lives in the log cabins and might be quite happy to remain there, whereas the younger couples have better educations and could run the new houses. If they do not get better facilities they do not use their skills. We suggest it should be made general that it is the young people who have priority on the houses.

Recommendation 13 is that the houses for growing families provide at least three bedrooms. The housing program is very hard to handle for various reasons, money, building programs, and so on. It is true that in previous centuries the Indians were used to a one-room establishment, namely a tee-pee, wigwam or log cabin. But times have changed. In those days they lived outside most of the time and just used shelter at night. Nowadays they are asked to stay in longer, particularly around the day schools where the children are expected to carry on with their school work, especially when they get older. If there are only two rooms, one bedroom and a living room and kitchen combined, it is impossible for the Indian children to live like our children and carry on with the learning activities in the same way our children do.

Recommendation No. 16 really comes after this. We suggest "that the community development programs include the provision to Indian homes and communities of facilities—particularly electricity and libraries—and of activities which will increase the familiarity of the next generation with Canadian ways of life and sources of general information."

I hope I will be forgiven this expression by our Indian friends, but we must infuse the homes fully with our culture. We should not stop just with the physical framework of the house. We must make sure that our culture is present in the home through television, radio and so on. If it means going out of our way to provide electricity to the Indian reserves we must do it. Otherwise we are not preparing them for the future and we will be saddled with low income individuals for another generation. We mentioned libraries, books, newspapers and activities.

We feel that the voluntary agencies as well as government agencies should have in mind this type of service to the Indian community. They should not be satisfied with classroom work, but should also be concerned to raise the cultural level or the presence of our culture in the homes, through all means possible that can be imagined.

Under recommendations No. 14 and 15, we simply recognize that the skills, attitudes and information learned in school or through terminal courses, adult education activities, or any other ways, should be carried on by the young adults, the homemakers, with the help of government personnel, church people, voluntary organizations in the area, and so on.

Too often we expect there will be a carry-over from the school into the Indian home, and we leave it there. There has been a certain amount of effort along those lines with the homemakers' clubs of the branch. We feel a lot more must be done before the Indian home is changed enough so that we will not be faced with the same situation we are in now.

Mr. SMALL: You made a statement about the older Indian living in the log house. They may not really be happy with it, but they would be enured to it, and would carry on that way. But with the younger people getting the advantage of education—you teach them domestic science, with all this up-to-date equipment, such as electric ranges, and you ask them to go back to homes with the old, antiquated thing.

Father RENAUD: Yes. So after a while they go back to their old ways, and their children start where they themselves started.

The JOINT CHAIRMAN (Mr. Dorion): Have you any other questions? The next section, extension of self-administration?

Father RENAUD: This topic has been quite well covered by other groups, and we simply want to endorse it fully. This is why we have made it broad and ask that immediate consideration be given to concrete ways and means of gradually giving back to Indians control over their own affairs at all levels. We would like to underline the words "at all levels."

There has been a certain amount of this going on at the local level, and with a certain amount of success. There was not enough training given to the chiefs, councillors and communities in this type of activity. It has been improved, with leadership courses, and we hope there will be further improvement. But the time has been reached where another level should be attained now; namely, the regional and provincial level. I think this is quite well illustrated with the experience of this present committee. It would have been impossible to invite all the chiefs and councillors to come here, so it was decided to invite the organizations. This is what is happening. They come. It is quite evident that not all organizations are fully representative of the Indian bands; that not all organizations and delegations fully understand the total picture, at least in their own province, and that they are still greatly in need of, and, in fact, take a lot of guidance from non-Indian councillors, lawyers, and so on. This is good but it is not the best.

If we look back over the last 20 years there has been very little encouragement given by the government to the maintenance of provincial organizations, and it is only at this stage they have been invited to come in. There has been a certain amount of consultation afforded to Indian groups through trips organized from Ottawa with senior officials meeting delegations. This has been sporadic to a certain extent, and it does not reach, really, the full participation potential.

Indian chiefs and councillors, or delegates, must be given a chance, or at least encouraged to meet among themselves. How it can be done, I am not in a position to discuss. It can vary from province to province, but they must be encouraged to meet regionally, periodically, to study their regional problems and to understand them better. If they meet only at the occasion of a committee like this, their thinking cannot be mature, and they cannot hope to tap all the ideas present in local communities. This is certainly coming short of the full potential that is there. We would like to recommend that greater encouragement be given to provincial organizations and, if possible, that they should have participation in the planning or, at least, in the discussion of programs going on in their province at the provincial level.

We would like to think this is the next stage, and we do not feel that this is against the policy of integration, because, after all, this is what appears to be necessary at the local level. They should band together and study the provincial picture then approach various bodies in order to tie up and improve the services on the reserves.

We feel there are enough Indians in the various Indian groups who can think at a provincial level. If this was encouraged, one way or another, it would certainly benefit the whole process of what goes on on the reserve and in the rehabilitating of the Indian communities.



There has not been too much of that going on, and I remember the days when someone would call Ottawa and ask, "Who are the provincial organizations for Indians? How and where can I reach them?" There was no knowledge of who was the secretary or president, whether a certain organization was still in existence, and everything else. I do not think that this is good.

The **JOINT CHAIRMAN** (*Mr. Dorion*): Do you believe the government could take any initiative for obtaining that result.

Father **RENAUD**: Well, I would like to know the thinking of others along those lines. I am not a political organizer; I do not know.

Mr. **SMALL**: There is nothing that could be forced on the Indians themselves, because there does not seem to be any organization at all. While they have different groups, they do not seem to grasp the fact they would do much better if they were one composite body throughout the whole dominion, and if they could get their organization down to where they could ask something, as a unit, rather than attempt to foist that upon them. You would be in difficulty there, and they would not want it, because you know what their disposition is like. They can take umbrage about something that they have not suggested themselves, it should come from themselves, and they should have the initiative over that, so that there will be acceptance by everyone, I think that would solve a lot of the problems. Have you that idea too?

Father **RENAUD**: At the national level, yes, I would agree with that; but I think the time is ripe now for the provincial level.

Mr. **SMALL**: They would have to have it at the provincial level before they even started on the federal level. You start at a lower level, the provincial level, and come up from that to the federal level.

Mr. **STEFANSON**: Mr. Chairman, you are suggesting that the chiefs and councillors hold a convention, or conference, every year and discuss all their problems?

Father **RENAUD**: I am illustrating what we mean by this recommendation. This is a suggestion.

Mr. **STEFANSON**: It would be similar to a convention of mayors and councillors?

Father **RENAUD**: Yes.

Mr. **SMALL**: The provincial council; and then national would come afterwards.

Mr. **STEFANSON**: That is right.

Father **RENAUD**: They would profit from the process, just as we do in our own organizations. They would learn from each other and they would change some of their ideas. They would have a much better understanding of the complexity of their problems. I have lived through an experience along those lines in Manitoba last winter, where at the provincial level we had Indians from various reserves meet with provincial Indian affairs officials to discuss specific problems such as employment, housing, and so on.

At the beginning you could see that each one had his own point of view and was fighting for it; and at the end you had the Indians interpreting the problems of the branch to newcomers, and the Indian affairs officials interpreting the Indian problems to the reporters. It was a very good experience for those who participated. We feel that more of it would ease matters and would make the Indians feel that it is their show—not only locally, but provincially.

Mr. **STEFANSON**: I consider they would get a lot of benefit from that.

Mr. **SMALL**: They could debate and argue it amongst themselves, and they would get somewhere.

Father **RENAUD**: They did so before the coming of the white man; they did so at treaty times—so it should be revived.

Mr. SMALL: You have only to look at before confederation to back that up.

Father RENAUD: The next paragraph will be familiar to those of you who have read the brief from the Indian-Eskimo association, who sat in on our discussions. I think you will see a parentage of ideas, namely:

Every effort be made to complete the collection of scientific data on the origin and evolution of the various Indian groups throughout Canada, particularly their historical contributions to the development of the Canadian nation and state.

There has been a certain amount of this started recently. Some Indians have been issued copies of the treaties, and so on. We feel that much more should be given to the Indians. They should be given much more information as to what their problems are presently, what their conditions are, what the political structure is under which they are living, and so on.

It is amazing to see how ignorant they are of the facts of their own administration. I think that this creates many problems, that the Indians do not understand exactly the mechanics of the administration, and they have a rather Santa Claus concept of the branch—and this is not good. This is why this recommendations is there.

We feel it is the duty of the Canadian state to help the Indians be better Indians, the way he is now. I mean, if he is to understand himself and solve his problems—he is the only one who can solve them—he must first know what he is, who he is and what is the frame of reference in which he can operate.

Then, of course, No. 21 is exactly the original purpose of the Indian-Eskimo association. No, I am sorry. No. 21 reads:

In and out of school, in urban centres as well as on reserves, Indians be encouraged and helped to study and discuss the assets and liabilities of their common ethnic background, in study groups and organizations of their own, similar to those of other ethnic minorities.

This goes back to what we said earlier this morning, about the Indian having a feeling for his community, or for his group, for his fellow Indians. This is a force which must be used positively, by setting them to work in studying their background and the problems, through the study-group method. By doing so, they will know themselves better, they will objectivate themselves; and this is quite important. Once they look at themselves objectively, they will be better equipped to judge what they should keep and what they should throw out. They will also be able to express themselves to others.

There is very little of this presently going on in the country, and we would like that to be encouraged. Once again, as I mentioned earlier this morning, there is a tendency to think this will bring about segregation of a kind. We do not feel that this is true. As I said, the Indians will conglomerate together, and if they are turned to positive thinking and studying, it will definitely help them to see the situation differently, and they will feel better about it.

Indians are proud—most of them—of being Indians. This pride might be unjustified in our eyes—it is not for us to judge. But they will know better why they should be proud, if they should be proud, and they should be encouraged to look at themselves and to function as a minority.

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any questions to put on this chapter?

Mr. SMALL: That sounds very reasonable.

The JOINT CHAIRMAN (*Mr. Dorion*): The next recommendation, Father.

Father RENAUD: No. 22 reads:

In order to create a more favourable climate around the Indians, objective and reliable information be disseminated among the Canadian people, particularly through the schools and the mass media of communication, on their past and present social development in Canada, together with their historical contributions to Canada's political and economic growth as a nation.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you very much, Father Renaud.

Mr. SMALL: That ties in with what you said about teaching the Indians to be proud of themselves and, in turn, we should be proud of the Indians.

The JOINT CHAIRMAN (*Mr. Dorion*): Monseigneur Carley, have you anything to add to what Father Renaud has said?

Monseigneur CARLEY: No; I do not think so.

The JOINT CHAIRMAN (*Mr. Dorion*): Would you care to add anything, Father Mulvihill?

Father MULVIHILL: No.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you very much for your very interesting contribution.

I am sure that every member of the committee was impressed by your brief, and the recommendations contained therein. You can be assured that everyone will take into consideration everything you have said.

Mr. SMALL: It is a very good brief. It is one of the best we have heard so far.

The JOINT CHAIRMAN (*Mr. Dorion*): The next meeting will be tomorrow morning at 9.30, at which time we will have the Anglican Church of Canada.

The meeting will be held in this room.



APPENDICES

Appendix J1 Province of Manitoba

Appendix J2 The Presbyterian Church in Canada



## APPENDIX "J1"

A Brief—submitted by the Province of Manitoba  
to the Joint Committee of the Senate and the  
House of Commons on Indian Affairs.

December, 1959.

Gentlemen:

The Province of Manitoba is grateful for the opportunity generously provided by your Joint Committee to express certain opinions and recommendations concerning Indian affairs.

We are particularly pleased to note that your terms of reference are appreciably broader than were those of the previous Joint Parliamentary Committee on the Indian Act appointed in 1946. While the previous Committee was interested mainly in the Indian Act with a view to recommending amendments to it, your Committee has been given the all-embracing task of examining and recommending solutions for the underlying causes of the many problems confronting Indians. Indeed, the time has come for the people of Canada, acting through their government representatives, to set forth clearly what is intended for the native people. The subject which you are studying is one which is presently retaining the attention of Canadians from coast to coast. It would seem that Canadians are presently asking themselves why they have not yet been able to absorb less than 175,000 Indians after over three hundred years of living side by side with them.

It is becoming clearer that the so-called "Indian problems" include on the one hand, the problems which the white population experiences because of the people of Indian descent, and on the other hand, the problems which Indians have because they live amongst white men. We would urge you, Mr. Chairman, to give equal attention to both aspects of these problems in the deliberations of your Committee. Some of your recommendations should be aimed at helping the white man cope with his problem in creating a favorable environment for people of Indian descent. Some of the characteristics of our Canadian culture which would need to be overcome could be listed as follows:

1. Reluctance to interact socially with people of Indian background.
2. Inability to provide employment for people of low educational achievement.
3. Insistence on conformity.
4. Persistent expectations of higher and higher standards of achievement from everyone.
5. Insistence on protocol and formality.
6. An economic system based on individual competition and production.
7. Lack of faith in the ability of the people of Indian background to respond favorably to a sound program of rehabilitation.

We recommend that the Indian Affairs Branch undertake, or cause to be undertaken a program of public education with a view to improving the attitude of white communities towards Indians. This task should be considered to be of sufficient importance to become the object of a special division in the Branch and should not be assigned as part of the responsibility of other Branch employees, many of whom do not have sufficient time to perform their normal functions.



### *The Indians in Manitoba.*

There were 22,077 Indians registered on the Band lists in Manitoba in 1958 according to the latest figures released by the Winnipeg Office of the Indian Affairs Branch. This represents an increase of 70 percent from 1934 to 1958. At that rate, there would be 35,000 Indians in Manitoba in 1980 and 56,000 at the turn of the century.

Fig. 1 Increase of Indian Population from 1924-1958 and Population Estimate to 2000 A.D.

(See Fig. 2 p. 29 Vol 1.)

From an ethnic point of view, the Manitoba Indians may be divided into four main language groups, namely: the Aulsteaux (pop. 10,212), the Crees (pop. 10,245), and the Sioux (pop. 1,079), and the Chipewyans (pop. 541). From the point of view of their relationship to the Indian Act, the Indians in Manitoba can be divided into three groups, namely those living on reserves, those not living on reserves but considered eligible for all benefits under the Indian Act, and finally, those not living on reserves and considered eligible for provincial and municipal assistance. In a survey conducted in 1957 it was discovered that seventy-eight percent (18,125) of the total Indian population, in Manitoba was living on reserves. The remaining 22 percent was divided into 1,579 living off reserves but eligible for full federal assistance and 2,373 who had earned legal domicile in white communities and became eligible for all provincial and municipal services offered in their district.

### *Provincial Interest and Concern.*

Manitoba has a higher concentration of people of Indian descent than any of the other provinces. In addition to 2.69 percent of its population being Treaty Indians, there are close to 25,000 unintegrated Metis and enfranchised Indians. The two groups account for more than five percent of our province's population. Frequent contacts with people of Indian descent have made our people highly interested in and greatly concerned about their welfare.

For example, an Indian and Metis Committee was appointed by the Welfare Council of Greater Winnipeg to study the problems of people of Indian descent and take, or cause to be taken, such action as appeared desirable. For the past 5 years, a three day conference is held each winter gathering more than 300 delegates from all parts of Manitoba. That Committee also sponsors an annual 30-day leadership course for Indians and Metis. The main aim of the course is to help actual and potential native leaders acquire the information and skills required to give leadership to their people. Another noteworthy achievement of the Indian and Metis Committee is the creation of a Friendship Centre to help Indians and Metis in the Greater Winnipeg area.

The province's concern for people of Indian descent was further exemplified when Manitoba undertook a two year study of their problems. Findings of the study were published in a three-volume report in February, 1959. A copy of that report is forwarded herewith for your information.

### *Aims of Rehabilitation Program for Indians.*

Perhaps it would be wise to define our goal before proceeding to discuss particular issues. What do we see as a future for the Indians in Canada? We believe that we should seek to make the Indian population economically self-sufficient, socially adjusted and culturally integrated. Economic self-sufficiency is mentioned first, because it is doubtful that the other two would be a problem if the Indians could support themselves at a level of existence acceptable to the rest of the population.

It could be said also that if the Indians were socially well-adjusted and if their cultural values were not in conflict with ours, they would have access to

sufficient incomes to become economically independent. That is to say that the problem facing us is a very complex one reaching out into every field of human endeavour. Fortunately, the history of Canada offers several examples of minority groups who, after a period of struggle, achieve economic, social and cultural integration.

Looking at these ethnic groups to-day one sees that they have managed to retain a distinctive culture although they no longer have the one originally brought to the North American continent. Consequently, in our designs for Indians, we must not insist that they abandon their culture. We must realize, however, that their culture will have to change before it allows them to integrate fully with the other Canadians. We believe this point needs to be emphasized because there are many Canadians who claim that the native culture should be protected and preserved in its integrity. We believe that to the contrary we would be doing great harm to the Indians if we prevented their culture from changing to adjust to contemporary living. The end product of the changes that should take place will still be an Indian culture, but a 20th century Indian culture conceived for modern times and practical for modern problems.

Socially we would like to see the Indian interact freely with all ethnic and religious groups at all economic levels of society. Again taking our model from the social life of other ethnic groups, we see that it is possible for a minority group to take part in the activities of the general public as well as to participate in the cultural and social life of its own ethnic and religious group. While each ethnic group as a whole is represented in the social life of our Canadian communities, each individual is left free to choose between interdenominational or intercultural groups and homogeneous ones. In the past, individual choices concerning these matters do not seem to have affected the vitality of the nation. All these cultures integrate into what is known as the "Canadian" way of life.

If the goal being sought is integration, those responsible for the welfare of Indians must devise a two-prong program. One phase of the program should attempt to help the Indians overcome their handicaps and become acceptable to the remainder of the Canadian population. The other phase should be directed at the white people and the white communities to help them overcome their reluctance to accept the Indians and modify their services so as to meet the needs of the people of Indian background. Those responsible for the welfare of Indians should provide leadership in helping Canadians provide for Indians the same security off the reserve as on it.

When we are talking about social and cultural integration we are dealing with topics which properly belong to Sociology and Anthropology. Programs to meet this goal should not be devised without prior consultation with experts in these two sciences. Perhaps we should take this opportunity to point out to your Committee that the Indian Affairs Branch does not have at its disposition the services of a full time anthropologist, nor of a full time sociologist. Yet the main aim of this Branch is consistently defined by its responsible authorities as being the economic, social and cultural integration of the Indians. Consequently, we would urge you and your Committee to recommend that the Indian Affairs Branch appoint sociologists and anthropologists as consultants to its head office and field personnel, as well as to voluntary agencies interested in the welfare of Indians.

#### *Responsibility for Indian Affairs.*

Until 1860 the Imperial Government in London was responsible for the management and control of Indian affairs. In that year that responsibility was transferred to the Canadian Department of Crown Lands. Seven years later when the British North American Act was passed the administration of Indian affairs was left with the Federal Government (B.N.A., Sec. 91). The Treaties signed with the Indians in Manitoba were not signed by the province but by

the Federal Government on behalf of Her Majesty. Thus, we see that in the early years of our history Indians were believed to be the responsibility of the Federal Government.

In recent times, however, this attitude has changed and all levels of government are showing an interest in Indian problems. All are concerned and anxious to help. However, there is hesitation at all levels of government, municipal, provincial and federal, in spending money for those services which are believed, rightly or wrongly, to be more properly the responsibility of another level of government. In the end, it is the Indians who suffer while government officials deliberate about the constitutional issues involved. We wish to recommend that your Committee study the constitutional aspects of financial responsibility for services offered to Indians.

In this connection, we would like to bring to your attention one of the frequent comments made by officials of the Indian Affairs Branch to the effect that the Branch is not responsible for Indians off reserves. While this statement does not appear as such in the Indian Act, it is frequently used to explain why certain services available to Indians on the reserve are not provided to those who have left it. Perhaps the Branch fears to extend its services beyond the boundary of reserves lest Indians become permanent charges. Perhaps it is felt also that once an Indian leaves the reserve he should be eligible to the same provincial and municipal benefits as other citizens. Whatever the reason for the Branch's attitude towards this matter, several undesirable results have been observed. Indians on the reserve receive many benefits from the Branch from which they are excluded by law once they have left. Indians off the reserve do not feel as secure as on it. Indians are reluctant to be absent from the reserve for too long for fear of losing their special benefits. The integration of Indians will be delayed as long as they are afraid to establish themselves off the reserve. We recommend, therefore, that one of the main aims of the Indian Affairs Branch be to provide for Indians the same security off the reserve as on it.

#### *Increase in Off-Reserve Population.*

Table 1. Size of Reserves Located in Agricultural Areas compared with Band Populations, 1958.

<i>Reserve</i>	<i>Acreage</i>	<i>Population</i>	<i>Acres per person</i>
Crane River .....	8760	103	85.04
Ebb and Flow .....	11534	261	44.19
Fairford .....	11533	444	25.97
Birdtail Sioux .....	7092	137	51.76
Brokenhead .....	13507	293	46.09
Fisher River .....	15722	791	19.87
Fort Alexander .....	22093	1207	18.34
Gamblers .....	860	23	37.39
Hollow Water .....	4019	236	17.05
Jackhead .....	3325	135	24.63
Keeseekoowenin .....	5512	198	27.37
Lake Manitoba .....	9427	301	31.35
Lake St. Martin .....	6509	377	17.26
Little Black River .....	2000	117	17.09
Little Saskatchewan .....	3520	211	16.68
Long Plain .....	8440	462	18.26
Oak Lake Sioux .....	2559	172	14.87
Oak River Sioux .....	9712	611	15.89
Peguis .....	73271	1270	57.70
Pine Creek .....	23853	373	63.95



<i>Reserve</i>	<i>Acreage</i>	<i>Population</i>	<i>Acres per person</i>
Rolling River .....	13880	185	75.02
Rosseau River .....	5401	455	11.87
Sandy Bay .....	15971	869	18.37
Swan Lake .....	6692	296	22.60
Valley River .....	11535	249	46.32
Waterhen .....	4653	192	24.23
Wawayseecappo .....	24941	474	52.61
Total .....	326,321	10,442	31.25

Research conducted in 1957 and 1958 indicated that there were approximately 4,000 Indians in Manitoba permanently living off the reserve, while over 75 percent of those on the reserve earned their living from outside employment. As Indians become more acculturated it is reasonable to expect that they will seek to get closer to their usual place of employment and leave the reserve. Migration will also result from over-population. If the reserve cannot provide sufficient income for more than 25 percent of those living on it, and if 4,000 Indians have already left the reserve permanently, one can ask what will be the size of the off-reserve population in thirty years by which time the Indian population will have doubled.

The only way the reserve could look after its population is by becoming industrialized. However, this is not likely to happen as few reserves are located in areas that are likely to be attractive to commercial interests. Production costs would rise prohibitively if businesses were to move away from favored locations to the isolation of most Indian reserves.

The Indian population in southern Manitoba lives in the immediate vicinity of white population. There it is possible to compare the density of the reserve population with that of the surrounding area. For example, the Swan Lake band with a population of 296 occupies approximately ten sections of land in Range 5, Township 11. The remaining 26 sections of that township are occupied by 121 persons. In other words, the density of population on the reserve is 29.6 persons per section of land while the density of population outside the reserve in that township is 4.6 persons per section. Assuming that the soil on the reserve is of the same type as that of the remainder of the township, and that the same type of farming is carried out in both areas, we can say that the yields per acre would be the same in each area. As there are six times as many persons per section on the reserve, it follows that there will be six times less produce available for each Indian than for the white man in the adjacent area. Hence, the Indians should be six times poorer unless they earn a living outside the reserve.

The same procedure could be used for all the reserves listed in Table 1. In 1956, Manitoba had a farm population of 206,729 occupying 17,931,817 acres or a population density on farms of one person per 86.9 acres, compared to one person per 31.25 acres on the reserves located in agricultural areas. Should the density of population on the reserves be the same as off it, there would be only 3,035 Indians on the reserve in the agricultural section of Manitoba instead of 10,442 at present. The surplus population of 7,407 would be living in urban areas or on farms not located on the reserves.

The remaining 12,000 Indians in Manitoba live on non-agricultural land where comparisons are more difficult. Usually they are located in complete isolation, a fact which would indicate that the area is not attractive to other Canadians. It is estimated that such reserves could not provide adequate family incomes to more than 10 percent of the people living on them.

In view of the tremendous increase in the size of the Indian population forecast for the near future, it would appear extremely important that your

Committee devise policies which would provide for the emergencies that will arise. This should include a recommendation *that the Indian Affairs Branch provide direct services to Indians off the reserve, or enter into agreements with provincial and municipal authorities towards that end.*

#### *Need for Federal-Provincial co-ordination*

The Indians could be guaranteed the same security off the reserve as on it through any of the following methods:

1. All Branch services could be extended to all Indians regardless of residence.
2. Provincial governments could be urged to make all their services available to Indians with remuneration from the federal government.
3. The federal and provincial governments could devise an integrated program available to all Indians regardless of residence.

The first two methods would result in much duplication. There are many needs which are felt by both Indians and non-Indians. Presumably, similar programs would be required where needs are similar. Indians, as Indians, have certain needs in common, whether located on or off reserves. Again similar services would be required to meet this second category of needs. An Indian does not break all his ties with the reserve by the mere fact of his migration.

The first two methods would also reinforce the isolation and separateness of the Indian population. If the main goal for that population is integration, the services provided for them should also be integrated. There is also a danger that separate services could lead in unfavorable comparisons between federal and provincial services with either the white or the Indian population feeling discriminated against. The theory of separate but equal has not been successful elsewhere. There is no reason to believe it could work satisfactorily in this country.

It would appear then that each level of government should be expected to provide certain types of services to Indians. While the division of responsibility would not be easy to define, periodic conferences between the Indian Affairs Branch and provincial governments could attempt to clarify this matter. We would recommend, therefore, *that federal-provincial conferences be held annually to co-ordinate federal and provincial services to Indians.*

#### *Provincial Area of Service*

Given that the main responsibility for the welfare of Indians rests with the Federal Government, the Indian Affairs Branch could contract with the provincial governments to have some of the provincial services extended to all Indians. Some responsibilities could be more easily transferred than others. Branch services are now divided in seven divisions, namely:

1. Administration
2. Agencies
3. Reserves and trusts
4. Engineering and construction
5. Education
6. Welfare
7. Economic Development.

The first four divisions deal mainly with matters arising as a result of the special status of Indians. The last three have to do with meeting needs which the Indians have in common with other citizens though to a different degree. It is in the fields of education, welfare and economic development that

federal-provincial agreements would prove most valuable. Health could be added to those three although we realize that health services for Indians are presently provided by the Department of National Health and Welfare.

We, in Manitoba, would be pleased to co-operate in any program designed for transferring to the provinces any or all of the services of the Branch in the fields of welfare, economic development, health and education. Naturally such a transfer would have to be affected progressively keeping in mind the welfare of the Indians. Some consideration would also have to be given the proper sharing of costs for these services as the responsibility for Indian affairs was given to the Federal Government.

### *Right to Vote*

We hope that your Committee will recommend that Indians be given the right to vote and to be elected to public office. It is realized that many Indians are not anxious to have or to use the franchise under the apprehension that they would lose some of their rights and privileges. The fact that under present regulations the right to vote can be obtained by waiving the right to other privileges is enough to nourish their apprehension.

In Manitoba, Indians have the right to vote at provincial and municipal elections. At first they were reluctant to make use of the franchise. However, they have participated in later elections with the same intensity as other ethnic groups. One of their members was even nominated as an official candidate for the last provincial elections.

We recommend that *Indians be given the right to vote without having to renounce any privileges which they now enjoy*. The Indian has earned his special status in Canada by giving us peacefully the soil that he formerly occupied. His position could be compared to that of a veteran who earned a special status through fighting for his country. Veterans can enjoy all the benefits of the Department of Veterans Affairs without renouncing any of their citizenship rights and privileges. The same should be true of Indians in relation to the services of the Indian Affairs Branch.

### *Liquor Legislation*

The eleven treaties signed with Indians of Western Canada stipulated that "until otherwise determined by the government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force or hereafter to be enacted to preserve Her Indian subjects inhabiting the reserves or living elsewhere within Her Northwest Territories from the evil influence of the use of intoxicating liquors, shall be strictly enforced". (Quoted from Treaty No. 3).

There was some justification for this kind of legislation at the time treaties were signed. Since then, however, conditions have changed. It has become easier to control abuses. There has been a change also in the attitudes of Canadians towards alcohol consumption. As a result, it is doubtful that the past restrictions should continue to be enforced. The 1946 Joint Parliamentary Committee on the Indian Act recommended that the Indians be accorded the same rights and be liable to the same penalties as others with regard to the consumption of intoxicating beverages on licensed premises, but that there should be no manufacture, sale or consumption, in or on a reserve of "intoxicants" within the meaning of the Indian Act.

The Hawthorne report states emphatically: "We believe that the Indian of British Columbia should be in no different position from the white citizen of British Columbia in respect to liquor laws. He should be able to buy liquor in the liquor store and consume it in his home." The Manitoba Liquor Enquiry Commission (Bracken Commission 1957) came to a similar conclusion. Finally,



the Manitoba study on people of Indian Ancestry (1959) recommended that Indians be placed under the same liquor legislation as other Canadians.

In the face of so much evidence, it would seem futile to maintain the present regulations any further. We recommend, therefore, *that your Committee consider the advisability of deleting from the Indian Act all references to alcohol consumption with a view to placing the Indians under the same liquor legislation as other Canadians.* The Branch should also urge all provinces to do likewise. It is only in this way that Indians will truly be in the same position vis-a-vis alcoholic beverages as other citizens. We feel that existing provincial regulations concerning alcohol consumption would be adequate to deal with any of the abuses which might arise until such time as Indians had developed their own social controls.

### *Enfranchisement*

When we spoke of the advisability of giving the Indians the right to vote and to be elected to public office, we mentioned that contrary to present regulations, this should be accomplished without any loss of rights and privileges on the part of the Indians. We recommend *that your Committee undertake or cause to be undertaken a comprehensive study of enfranchisement, its meaning, its purpose and its intended as well as unintended consequences, with a view to improving existing regulations and practices.* Enfranchisement should not be regarded as a criticism of integration. There should be no privileges nor rights available to other Canadians which are denied to Indians because of their refusal to request enfranchisement. Our view is that the Indian status is designed to provide the Indians with a few extra privileges. It is not meant to serve in lieu of Canadian citizenship.

One of the unintended but real disadvantages of enfranchisement is that it separates an Indian from his own people. Legally, he no longer is an Indian. We have encountered cases where public institutions do not wish to refer to enfranchised Indians as Indians in order to distinguish them from those citizens who are cared for by the Branch. Enfranchised Indians become trespassers if they visit their former homes. It is as if they had been exiled and could not re-enter their country without first obtaining permission to do so.

Perhaps if it were possible to remove those elements of separateness enfranchised Indians could play the same role as the Metis and Half-breed played during the fur trading era. They could act as intermediaries between the Indian and the white man, and we are all too conscious of the need for some medium through which we could establish a closer rapport with the Indian people.

### *Trespassing*

The Indian Act (Sections 30 and 31) prohibits trespassing on Indian reserves. The original intent of this section was no doubt to protect the Indian from unscrupulous exploitation. It should be underlined that other existing Canadian legislation already provides penalties for trespassing. It is doubtful that Indians continue to require special protection from trespassers other than that which is provided for other Canadians.

We believe that this section perpetuates the separateness and isolation of the Indians from neighboring communities and should be removed. Existing legislation discourages law abiding citizens from bringing desirable influences to bear upon the reserve population while the criminal element, which tends to have less respect for the law, continues to have contact with Indians. Trespassing is not defined in the Indian Act while in Canadian law it is a word which is very difficult to interpret and apply to concrete cases. While it is true that few prosecutions are initiated under these sections of the Act, many Manitobans feel they need special authority for visiting reserves and prefer to abstain.

*We recommend that Sections 30 and 31 of the Indian Act referring to trespassing be deleted or amended to apply only to well defined cases.*

#### *Simplified Version of Indian Legislation*

The official authorized version of the Indian Act and Regulations are not designed for easy reading and understanding. Their main purposes are to express in legal terms the law under which Indians must live. There is a need for a simplified version written in such a way as to be understood by all who have learned how to read.

Our own Canadian laws are interpreted to us in common terms by our school text books, by our elected officials, by radio, television, newspapers, magazines and oral tradition. The Indian Act is virtually unknown by all except the officials of the Indian Affairs Branch and a few Canadian lawyers who have an extensive Indian clientele. It is not frequently discussed by the public media of communication and not discussed fully in text books. Hence, Indians are at a disadvantage in not understanding the special laws that affect them. One of the Manitoba bands expressed itself on this subject in its brief to the 1946 Joint Parliamentary Committee on the Indian Act saying "Our treaty rights and obligations have never been explained to us by our Indian Agent or anyone else so how are we to know what should be changed". (Minutes 1947, p. 220).

*It is recommended that the Branch prepare or cause to be prepared a simplified version of the Indian Act and Regulations. Such simplified version would be distributed freely on reserves. It could also be used in citizenship or civics classes during school periods.*

#### *Reserve Lands*

In looking at the population residents on the Indian reserves in Manitoba, we find that while some reserves are over-populated there are other reserves that are no longer inhabited. It would appear advisable for the Indian Affairs Branch to meet with each province to consider the advisability of transferring some of these lands to the province and acquiring some new land for the reserves that are over-populated.

Of the 4,000 treaty Indians living permanently off reserves in Manitoba, close to 1,600 still receive full Indian Affairs benefits (Table 2.). Among this group are some Indians who abandoned the territories assigned to their band to establish themselves in an area where they felt they would make a better living. Others belong to bands who were never assigned a reserve. The population increases forecast will create the need for more land. In this connection there is a need to maintain and in some instances to extend the Indian reserves as permanent refuge for those who wish to retain their culture and ethnic identity. We recommend, therefore, *that reserve lands be reviewed periodically with a view to providing for population migrations and increases.*

Table 2. *Off-Reserve Indians receiving full federal benefits under the Indian Act, 1956.*

Band	Location	Population
Churchill	Churchill	255
Fox Lake	Gillam	75
Gods Lake	Elk Island	27
Island Lake	Red Sucker Lake	160
Little Grand Rapids	Pauingassi	125
Long Plain Sioux	Portage	159
Matthias Colomb	Pickerel Narows	55
Nelson House	South Indian Lake	230
Shamattawa	Shamattawa	257
York Factory,	York Landing	236
Total		1,579

### Adult Education

It is frequently said amongst Canadians that the future of the Indians lies in education. Governments are urged to make every effort to provide better schooling for the Indian youth. There is a danger, however, that in the process, the adult population be forgotten or written off as not being able to change and progress. Patterns of behaviour are set and controlled by adults, not by children. It is doubtful that the children will be able to benefit from even the best educational facilities unless they are raised by parents who themselves strive for higher standards of living. As adults, those children would tend to reproduce the same characteristics as they saw in their predecessors.

We recommend, therefore, that your Committee explore the possibility of providing adequately for adult learning. Some consideration should be given to utilizing fully the services of existing Adult Education and Extension Divisions of provincial governments, Canadian universities, local school boards and churches. The isolation of reserves and trespassing regulations have in the past discouraged those agencies from extending their services to Indians. In the few cases where they have extended their services, it was usually out of their own initiative and imagination. More leadership should come from the Branch in this field. It is recommended *that the Indian Affairs Branch undertake, or cause to be undertaken, an extensive program of adult education amongst the Indians of Canada.*

### Summary of Recommendations

By way of a summary, we wish to list the main recommendations of this brief in the same order as they appear in the text. All recommendations were made with a view to promoting integration not only of the Indian and white people, but of the services which they receive. They were also made with a view to placing the Indians in the same position in relation to Canadian laws as his fellow citizens.

In the foregoing pages, we recommended:

1. That the Indian Affairs Branch undertake or cause to be undertaken a program of public education with a view to improving the attitude of white communities towards Indians.
2. That the Indian Affairs Branch appoint sociologists and anthropologists as consultants to its head office and field personnel as well as to voluntary agencies interested in the welfare of Indians.
3. That your Committee study the constitutional aspects of financial responsibility for services offered to Indians.
4. That one of the main aims of the Indian Affairs Branch be to provide for Indians the same security off the reserve as on it.
5. That the Indian Affairs Branch provide direct services to Indians off the reserve, or enter into agreements with financial and municipal authorities towards that end.
6. That federal-provincial conferences be held annually to co-ordinate federal and provincial services to Indians.
7. That Indians be given the right to vote without having to renounce any privileges which they now enjoy.
8. That your Committee consider the advisability of deleting from the Indian Act all references to alcohol consumption with a view to placing the Indians under the same liquor legislation as other Canadians.



9. That your Committee undertake or cause to be undertaken a comprehensive study of enfranchisement, its meaning, its purpose, its intended as well as unintended consequences, with a view to improving existing regulations and practices.

10. That Sections 30 and 31 of the Indian Act referring to trespassing be deleted or amended to apply only to well defined cases.

11. That the Branch prepare or cause to be prepared a simplified version of the Indian Act and Regulations.

12. That reserve lands be reviewed periodically with a view to providing for population increases and migrations.

13. That the Indian Affairs Branch undertake or cause to be undertaken an extensive program of adult education amongst the Indians of Canada.



## APPENDIX "J2"

## THE PRESBYTERIAN CHURCH IN CANADA

## BRIEF TO THE PARLIAMENTARY COMMITTEE ON INDIAN AFFAIRS

*Introduction*

Inasmuch as the Churches of Canada were responsible for many years for the major part of the educational and welfare programmes on the Indian Reserves of Canada, financially as well as with staff, we believe that our experience should be incorporated in the information provided for the Parliamentary Committee. Our own denomination began its organized work of Mission, school and welfare early in the 19th Century.

As we present this brief we have to bear in mind that the Indian does not think as the non-Indian, his sense of values is different, his goals are different and his sense of community is overwhelmingly different.

Our brief consists of three main sections: I. General Community Development, II. Education, and III. "Off Reserve" Indians. In common with all other Canadians, we are anxious to obtain free, responsible and full citizenship for the Indian population of Canada. With all other Canadians we share a feeling of shame that this original population in these present years lacks all the rights and privileges of citizenship in a free country—rights that are being sought, even fought for, by subject peoples across the world. Canadians, Indian and non-Indian, must not relinquish this struggle until all Indians and part-Indians can live and move and have their being on an absolute equality of rights and responsibilities with all other Canadians. Moreover, the Church is jealous for the fine contribution the culture, lore, and character the Indians of Canada may make to this nation, which nation is now being developed from many and varied ethnic groups.

## I. GENERAL COMMUNITY DEVELOPMENT

*(a) Reserves*

1. Reserves were set up to protect and maintain the Indian population and to give them areas in which they might have their own social and ethnic practices, and their own mode of life.

In point of fact, the Reserves placed the Indians apart from the rest of the population of Canada and separated them from one another. There was no common language as between tribes—and there was no written communication between the Indians of Canada, and very little personal communication between the "pockets" or "reserves".

The Indians adjacent to non-Indian populations learned, with various degrees of excellence, the language of their neighbours, French or English—sometimes both. But the Indian and non-Indian, using the same words, frequently meant entirely different things—their root and basic philosophies were so very, very much at odds.

Then, too, the Reserves tended to salve the conscience of the non-Indian, while they were entirely inadequate by their very nature to provide the means for subsistence and the stimulation to provide a cultural climate which would prosper their own development as a proud people.

Moreover, the Reserves became a place of brooding dislike for the non-Indian population. Over against a pride in the Treaty relationships set up between the Sovereign and many of the tribes, were the many malpractices of



the non-Indians. Tricky business by smart traders, dishonourable transactions in commerce, government agents and social debauchment caused mistrust by the Indian of the non-Indian.

This mistrust increased with the rapid translation of the great hunting areas of southern Canada into farm lands and cities. The governments of Canada, concerned with the settling of this country and its development, could not prepare the Indian for the impact of this era of mass immigration and the change from wild lands to well established farming communities and thriving cities. On the one hand the governments of Canada, Federal and Provincial, were too absorbed with establishing a new nation, on the other hand, not many people in the process knew much about Indians.

While certain hunting and fishing privileges were ensured to the Indian, these were by no means exclusive rights. The significance of this, with its resultant hardship on the Indian, is illustrated by such facts as that quoted by Sir Joseph Pope, sometimes secretary to Sir John A. Macdonald—"In 1882 there were 10,000 buffalo skins sold in St. Paul, and in 1883 just four." The sudden economic impact of this prodigal abuse of nature's bounty must surely have contributed to the deep hatred of the Indian for his new and flourishing neighbours and rulers.

The Reserves also so thrust the Indians back on themselves that frequently the worst tendencies among them were those which became most developed. Anything which would contrast most variously with non-Indian practice was apt to receive attention.

2. The Reserves were just part of a system of control which, in fact, made the Indians wards of the Federal Government. These people were suddenly deprived of their own governing systems, denied the right to develop as a people, socially and politically, and in the midst of their uncertainty in an entirely new era, were bereft of their self-determination. The Reserve which had been the symbol of sanctity of inviolable rights, became, in fact, a sort of fortress where there were no stimuli to develop the minds, hearts and characters of the people—and where no concern of the Indian had any stature comparable to the concerns and engulfing movements of the great community outside the Reserve. The government of the Indian became, rather, the control of the Indian by a department of the non-Indian government. Here, it would seem, is the greatest inherent weakness in Canada's relationship with the Indian. Perhaps because from 1760 onward to 1867 Canada was reaching for responsible government for herself, she was too absorbed in the struggle to be mindful of a minority native group, which at any rate had received from non-Indians such gifts in disease and frustration that they were "a vanishing people".

3. This is the bitterest kind of segregation—the separation of the various elements of a people into pockets which had no means of communicating one with the other, and no real understanding of the thoughts and actions of a strange people surrounding them—at the same time being regulated in all things by a department of government which had, in most aspects, an absolute power. This is the sickness with which this present generation is concerned. It is the root cause of

- (1) the lack of knowledge of the Indian on the part of the non-Indian population.
- (2) the degradation of the Indian population.
- (3) the root of a great hatred by the Indian of the non-Indian.

Because of it, Indians have been deprived of a true and rightful citizenship—even to the point of having been prevented from making their own mistakes. Rather than protecting the Indian, the Reserves and the administration of Indian affairs on them, maimed them. And it must be acknowledged, we believe, that while many well-intentioned people have worked to ameliorate the conditions of Indian society, Indians themselves were too long left in abysmal ignorance of the real meaning (or lack of meaning) of the Treaties, successive Indian Acts (with amendments) and the implications, according to non-Indian standards of the rights of citizenship. Canada's wealth had belonged to the Indians. Now an Indian Agent, Government Official, or even a school teacher, receives from Canada in salaries as much as a whole band might receive in a year.

There were great inequalities in the value of the Reserves given to the Indians. These were not so apparent in earlier days, though the differences were significant. The development of Canada changed altogether the value of Reserves—but no adjustments were made on a national scale to relocate or ameliorate the hardships of Indians on marginal hunting grounds or on so-called farm lands which proved worthless as such, either by the nature of the land or by the nature of the tribe settled on it.

In this generation it is only fair to point out that most Reserves have been improved. Better housing, improved roads, proper wells, and a realization that all Indians cannot be transformed into farmers, and much less can today's Indians all succeed at the traditional hunting and fishing occupations of their ancestors. These gains are excellent—though much too limited. *They do not return the Indian from a poor sort of paternalism to a rightful citizenship.*

#### (b) Citizenship Rights

The agreements made with Indians by Treaty, and otherwise, and the Indian Act, developed a paternalism which on the one hand made of no effect the Treaties, and on the other hand so shifted responsibility of the man for himself, his family and his community that through the years he has developed an irresponsibility or laissez-faire attitude or a rebelliousness against the controlling power of the Government. It must be said that the net result of our dealing with the Indian over the years has resulted in a feeling of distrust and antagonism. In a generation when we are having human rights spelled out by nations across the world which have been treated with the same sort of paternalism and super-national control, how do we change the direction of the thinking of Canadian people, Indian and non-Indian, so that the Indian has all the right and privileges and responsibilities of a Canadian citizen? Surely by:

1. The right of land ownership.
2. The right of enfranchisement.
3. The right of land tenure.
4. The right to dispose of their property by wills of their own making.
5. The right of employed people to receive their full income and to manage it.
6. The right to develop their own communities, as communities of Canadian people within the nation.
7. The right of a Band to translate their lands from a reserve to a municipality or the right to have their reserves incorporated in a neighbouring municipality.

8. The right to police, with their own people, under the system of law and order in Canada.

9. The right to proper legal counsel of their own choice. Lawyers in areas where there is a considerable Indian population should be urged to become knowledgeable about Indians and Indian affairs, and those codes that have pertained to Indians throughout the years, in practice it would appear that different interpretation of language, paternalism, and other causes, have militated against proper trials for Indians. The Indian people and our missionaries claim that once arrested an Indian is always sentenced. They claim, too, that the sentences are not parallel to those meted out to non-Indians, usually being less severe. If this be true, it seems to us that Indians should have the same responsibilities, as well as the same privileges, as non-Indian citizens.

There seems to be an artificiality as to the definition of what an Indian is. Admittedly this is always a difficult problem with races and their admixtures. It is no more difficult, if indeed as difficult, as to define "a Canadian". The areas of immediate concern here have to do with (1) the Indian woman who marries a non-Indian, and their offspring, (2) the children of unwed parents of Indian-non-Indian relationship, and (3) the enfranchised Indian. Here it seems to us the right of inheritance as a citizen must prevail. Too often in the practice of discernment between those who are considered Indian and those who are not, the common phrase, "you can't eat your cake and have it too", is used to point out that a choice has been made which now derives the enfranchised Indian or the illegitimate child, or the husband of an Indian wife and their progeny from all rights of inheritance—a very cruel and ugly philosophy. Even when a cash settlement is made, such a practice is untenable. Even Esau has had the compassion generation after generation of good people.

The fine programme of employment placements now being developed by the Department of Indian Affairs needs expansion and more assistance on the part of the non-Indian community. Loneliness can defeat any programme and acceptance into good homes (or their substitutes, such as hostels) is an essential parallel to the employment programme. Selected boarding homes where other Indian people are resident would greatly reduce the strangeness and loneliness an Indian suffers in a non-Indian community. Here again, the non-Indian community must be educated, conditioned to and involved in the integration of Indian people in Canadian community life. The co-operation of Provincial Department of Education is much needed and classes in citizenship should deal pointedly with the matter of acceptance of Indian and other ethnic groups in this nation.

There is need of encouragement and assistance to the Indian who goes to work off the reserve and who is making an honest attempt to be a good citizen. We believe that for the Indian who has been granted enfranchisement, a probationary period might be set to enable him to resume his Indian status if he is unsuccessful in making a living off the Reserve.

Some improvement has been noted in recent years in the knowledge of Indians about themselves and other Indians. The circulation by the Department of newsletters and pamphlets has been helpful. Conferences of civic and larger welfare and other groups are of much assistance, but should be "more Indian", i.e. more Indian leaders should be encouraged to arrange and participate in these conferences. The National Commission on the Indian Canadian has brought into being central clearing house for research, the snarling of the experience of many agencies, and the issue of much good literature and materials for both Indian and non-Indian readers and leaders. We would hope that from time to time there might be conferences between the Department of Indian Affairs and the National Commission on the Indian Canadian.



It is our opinion that the Government of Canada and all agencies should contribute to the growing knowledge of the Indians themselves, and about themselves and their problems. The development of Indian leadership is an essential part of improving the lot of the Indian. Indians should be used largely and increasingly in Indian administration. We feel this could be achieved, first of all, by arranging conferences of Indians on an area or regional basis, and later national conferences. Such conferences should be planned, arranged and conducted by Indians. They should not be planned, arranged and—worst of all—controlled by non-Indians.

These regional and national conferences would replace, in time, the conferences now held in various places and at various times, which are organized and controlled by non-Indians. It is our firm belief that for a time these Indian conferences should be a special responsibility of the Federal Government. By carrying on these conferences for a period, say of five years, much would be achieved in restoring the Indians' dignity; moreover, the Indians would raise up leaders capable of initiative and executive capacities. Some measure of restraint and discipline in dealing with Indian problems would, we expect, become evident as Indians began to discover the dissimilarities of the regional problems here and there across Canada. In other words, they would learn to have a concern for the needs of others and would grow into leadership in such a way that their concern could issue in reasonable solutions. At the end of five years the need for these regional and national conferences would, we should expect, disappear.

In the meantime, and while the present system stands, we believe that representative Indians should be included at meetings of municipal conferences (such as are held now from time to time), Provincial and Federal conferences. It would be of great value, too, if the Indians could attend conferences of school trustees.

In the meantime, too, it would be most helpful, in our opinion, of the present Regional Offices and officers could be given enlarged responsibility. The duties of Department regional representatives should be re-defined, and more adequate secretarial staff added to them to free them from multitudinous 'chores'. They (regional representatives) should have much more time to counsel with the Indians, to discuss their problems and to follow through processes of dealing with Indian problems with much greater alacrity.

We know that much has been done to 'better' conditions on the Reserves. But we feel that "economical" new houses, roads, drainage, wells, etc., have not received the same attention which would be given in most communities today. We think housing and Reserve planning should be carefully done—with planners who are aware of Indian culture and background. This planning should be done in relationship to and in co-operation with the neighbouring local community. The Indians themselves should be allowed to enter into the study of the development of their Reserves. They should be given opportunity to compare some present developments and assisted to evaluate good and bad planning.

Staff should be appointed at the Provincial level rather than the Federal. This would mean closer supervision and necessary adjustments could be made more easily. It would be preferable to have all matters referred to the Provincial Government for the administration of grants made by the Federal Government, and local responsibility should go to the Indian Council.

As we present this brief we are not unmindful of the fact that the Indian problem is not one, but varies with the region or area in which the Reserve is located.

### *(c) Uniformity of Liquor Legislation*

We believe that there should be uniformity of liquor legislation. There should also be uniformity of action taken when there are breaches of the liquor laws, and where there is excessive use of alcohol, resulting in non-support of families and other suffering.

### *(d) Health and Welfare Services*

Much has been accomplished during the past quarter century in health improvement among the Indians. A more mature programme of Health Education seems now to be possible. The enlistment of Councils and more knowledgeable Indians in an endeavour to prevent disease, minister to disease and to make for a general practice of hygienic living. Home and School Clubs, Woman's Institutes, Band Councils, Youth Clubs and individuals can now be made conscious of the link between good health and community acceptance. It must be borne in mind that not only housing and other community (or Reserve) development has a definite effect on health and morale, but any law which either by itself or because of its interpretation, violates man's self-responsibility and dignity, also has a direct effect upon his morale and his health. Any practice which makes for difficulties in home life (such as Reserve or property rights, illegitimacy, racial prejudice within the Band or degenerate living conditions) carries with it the power to cause illness and indifference to well-being. This, from the Church's viewpoint, is one of the basic principles in charting any definition of good health and happiness.

## II. EDUCATION

From the beginning of the non-Indian Community in Canada, education of the Indian has been the concern of the Christian Church. At first, individual missionaries took Indian people into their homes and taught them. Later the Church built, maintained and staffed the schools on the Reserves. Later again and by a process over the years, the Federal Government, through the Department of Indian Affairs, built the schools and maintained them, and finally have paid the salaries of the staffs. Added to the one-time Residential Schools, now is a system of day schools and hostels.

Our Church is strongly in favor of having Indian pupils attend the ordinary public or community schools of the district. We believe that the experience of growing up in the ordinary day school is an all-important one for all Canadian children, regardless of race or creed.

We know that special schools are needed for special cases. As in every community there are classes held for pupils of extraordinary circumstances, so, too, there ought to be for the Indian population. In some places there can be no real substitute for the Residential School. In others, it is necessary to have a well-run hostel for Indian pupils of all ages (orphans, illegitimates, abandoned and neglected children). In larger centres where secondary schools are located a hostel is of great assistance to young people who have had little or no experience away from a Reserve. We think it is good, whenever possible, to transform Residential Schools into hostels from which pupils will attend the local community school. Where the Bands continue to be nomadic, the Residential School is necessary.

We disapprove of the practice of taking young children, and even some inexperienced older children, far away from their home Reserve to a central school, even though it be a very fine school. There must be a transition period so that the shock of a complete change and the shock of an overwhelming 'homesickness' will not accrue either to the pupil or to his parents and family.

Incompatibility and loneliness are often discounted by staff. These are major problems, often leading to withdrawal from schools.

For those agencies, and particularly for the Church, the removal and translation of pupils frequently breaks a continuity of training and guidance. This is particularly true for Church leaders and candidates for the ministry, deaconess training and other leadership training for fulltime Christian service. Our plea is not to prevent the pupil from experiencing the impact of other faiths, but rather to continue the familiar "home base" to which the pupil may turn to make balanced judgments and decisions. In almost all communities in Canada now there is contact with a variety of Christian groups. We think this is good and should ensure the right of every young person to make a free choice between them. At the same time, there is value for all young people to have sufficient grasp of his home faith and environment to have a frame of reference when confronted with life in a community.

As a norm we think the day school near enough to the Reserve of the pupils, which is shared alike by Indian and non-Indian, is the most acceptable. As part of the curriculum of all schools should be included courses of factual history, Indian Treaties, The Indian Act or whatever special legislation may from time to time be enacted, Indian lore and Indian culture. Both non-Indian and Indian should participate in these courses.

We are grateful for the attention being given to the training of Indian pupils in trades and industry, in the professions and in the arts. We trust that these services will be extended.

We feel that much more ought to be done in the matter of adult education. With scholarships (Canada Foundation or other special funds), selected Indians should be encouraged to gather and put into forms which can be preserved, histories of tribes, their customs, their lore, their artistry, their language, and other marks of their culture, all of which would return to the Indian some of the dignity of which he was shorn by those processes of government and relationships with non-Indians which have tended to have detracted from the dignity of the people. This should be done while Indians still living can relate the present generation back to Indians of former generations who live more or less according to their historic manner and custom. This would not only be a matter of pride with the Indian, but would enrich the general culture of Canada and would be the means of correcting histories written for non-Indian consumption with a very severe bias against the Indian. It would tend to overcome generally accepted estimates of the Indian character which may be quite untrue. (There is need for the re-writing of the text-books of Canada to give a proper record of the Indian, non-Indian relationship, and a truer picture of Indian character and behavior).

In those fields of advanced training at University, in Trades and Industry, Nursing, Teaching and other specialized fields, we feel that there needs to be personal knowledge of the person affected. Students of equal ability may have very different experiences in progress because of background and contrast between their environments before and after they take up their senior studies. We feel that a regular liaison should be set up and developed between the Department and the Churches or other agencies so that these students will have "ports in case of storms". These should not be paternalistic. Rather they should be people knowledgeable about Indians, preferably Indians themselves, who are available at times of depression or uncertainty. Such people are available for non-Indians in almost all communities. In many communities in Canada no one is equipped with sufficient understanding of the Indian to be able to have that rapport which is so necessary for the young Indian man or woman at a particular time.



### III. "OFF-RESERVE" INDIANS AND PART-INDIANS

The Reserve system with its Treaties, along with The Indian Act and the Regulations of the Department, has contributed to the plight of the "Off Reserve" Indian, whether he or she was originally on a Reserve or not. What may be described as "The Total Indian Arrangement" in Canada has given this country an area of population of Indians, Metis, half-breeds (or other fractional relationships), "Indianish" and other various combinations of people who in some way are related to the original Indian (by marriage, "common law", etc.). "The Total Indian Arrangement" must be held responsible very largely for causing this area of population to exist. Therefore we feel that no government can say "This area exists outside on terms of reference, or outside our law, or outside our regulations", and leave it at that. We, as a nation, having had a hand in creating these conditions have a bounden duty and a moral responsibility to give attention to this significant area of population and, in so far as humanly possible, to cure the ills we have permitted to develop.

If our present laws do not give any department of government jurisdiction to deal with these folk, then our laws should be amended so that there is a proper procedure on their behalf. It is not enough to observe that these people are outside the jurisdiction of the Indian Affairs Branch and that, therefore, they must fend for themselves as other Canadians. Other Canadians have not been conditioned by regulations which, in part at least, have contributed to the creation of second or third class citizenship.

It may be pointed out that voluntary societies and agencies have done much to overcome the hardships which accrued to these people (as they have for the Indians themselves—such as clothing, bedding, education, and health and welfare services, even housing—at a cost which now must reach staggering numbers of millions of dollars.) But time and again voluntary agencies are frustrated in their attempts to help these people because of The Indian Act and Department Regulations. This is true in so far as wills, adoption, mixed marriages, the issue of mixed marriages, education and employment of part-Indians and a variety of other property and human rights. Because of The Indian Act and Department Regulations, ordinary civil law does not apply to these "in between" people.

We believe that the Churches and other agencies must continue to offer such services as they can to all depressed areas of the population. We also believe that the laws of this country need such changes as will eliminate the causes which make for the continuation and extension of this area of third class citizenship. In other words, we plead for an overall new attitude on the part of the Federal Government to make possible such enactments as will mean that citizen's rights can and do prevail for this segment of the population as well as for all other segments.

### RECOMMENDATIONS

#### *Recommendation No. 1*

We recommend the following rights of citizenship for the Indian:

- (1) The right of land ownership by individuals.
- (2) The right of enfranchisement without the loss of property rights on the Reserve.
- (3) The right of land tenure off the Reserve without the loss of Reserve rights.
- (4) The right of employed people to receive their full income and to manage it.
- (5) The right to develop their own communities, as communities of Canadian people within the nation.

- (6) The right of the Band to translate their lands from a reserve to a municipality or the right to have their reserves incorporated in a neighbouring municipality.
- (7) The right to police, with their own people, under the system of law and order in Canada.
- (8) The right to proper legal counsel of their own choice.

*Recommendation No. 2*

We recommend that section 108 of the Indian Act be revised so that Indian women who marry non-Indians, and their offspring, the children of unwed parents of Indian-non-Indian relationship, and the enfranchised Indian will not suffer legal separation from the Reserve.

*Recommendation No. 3*

We recommend the increased co-operation between the Federal and Provincial Governments with respect to the following:

- (a) The education of the non-Indian in school in a course which would provide an understanding and acceptance of Indian and other ethnic groups.
- (b) A probationary period arranged for the Indian who has left the Reserve, at the end of which he may choose to return to the Reserve without loss of rights and privileges.
- (c) The arrangement of conferences between Federal and Provincial agencies which are involved in or which are concerned with the well-being of the Indian.

*Recommendation No. 4*

We recommend that the Indian Affairs Branch confer regularly with such agencies as the Indian-Eskimo Association of Canada in order that research, education of the public, policies, and programmes, could be shared between the Government and the Voluntary agencies in Canada.

*Recommendation No. 5*

We recommend that area, regional, and perhaps later, national conferences of Indians be encouraged by the Indian Affairs Branch; by Indians.

*Recommendation No. 6*

We recommend that the Indian Affairs Branch should seek the co-operation of municipalities, Boards of Education, and other bodies concerned with public administration, to invite representative Indians to their meetings.

*Recommendation No. 7*

We recommend that the present regional offices and officers should be given enlarged responsibility in dealing directly with problems of the Indians.

*Recommendation No. 8*

We recommend

- (a) that a programme for better conditions on the Reserves should be planned in conference with the Indians themselves and with planners who are aware of Indian culture and background; the Indians should be encouraged to enter into a study of the development of their Reserves.
- (b) that staff be appointed at the Provincial level rather than at the Federal level.

*Recommendation No. 9*

We recommend that liquor legislation conform to the prevailing regulations of the area in which the Reserve is located and that there be uniformity of action taken when there are breaches of the liquor laws resulting in non-support of families and other suffering.

*Recommendation No. 10*

We recommend that a much larger staff of nurses and teachers of hygiene or counsellors in health and welfare be provided for work on Reserves. This staff should have continued opportunity to serve the people, especially on those Reserves which are known to be below the average of good health and living conditions.

*Recommendation No. 11*

We recommend a continuation of residential schools or hostels for children who cannot well be served by local day schools, whether on or off Reserves.

*Recommendation No. 12*

We recommend that the practice of removing pupils far from their home community for the purpose of primary or secondary education be discontinued as far as it is practical.

*Recommendation No. 13*

We recommend that greater attention be given to the matter of adult education among the Indians and that, for both minors and adults, Indian students to gather histories of tribes, their customs, their lore, their art, their language and other marks of their culture, and put them into such forms as could be preserved.

*Recommendation No. 14*

We recommend that for Indian students at university or other advanced educational institutions, counsellors should be available at times of depression or uncertainty. These counsellors might be Indian but certainly people with a thorough knowledge of Indians.

*Recommendation No. 15*

We recommend that the Federal Government accept responsibility for the off-Reserve Indian and part-Indian and co-operate with the Provincial and Municipal Governments of Canada in assisting them to become first class citizens.



Third Session—Twenty-fourth Parliament

1960



Joint Committee of the Senate and the House of Commons

on

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone

and

Mr. Noël Dorion, M.P.

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## MINUTES OF PROCEEDINGS AND EVIDENCE

No. 9



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THURSDAY, JUNE 2, 1960

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### WITNESSES:

*From the Anglican Church of Canada:* The Most Rev. H. H. Clark, Primate of all Canada; The Rt. Rev. E. S. Reed, Bishop of Ottawa; The Rt. Rev. H. E. Hives, Bishop of Keewatin; Rev. Canon A. H. Davis, General Secretary, Missionary Society; Rev. L. F. Hatfield, General Secretary, Council for Social Service; Mr. Carl Latham and Mr. F. A. Brewin, Anglican laymen.

*From the Co-operative Union of Canada:* Messrs. Ralph S. Staples, President; and A. F. Laidlaw, National Secretary.

*From the Department of Citizenship and Immigration:* Mr. H. M. Jones, Director of Indian Affairs Branch.

MEMBERS OF THE COMMITTEE  
FOR THE SENATE

Hon. James Gladstone,  
*Joint Chairman*,  
Hon. W. A. Boucher,  
Hon. D. A. Croll,  
Hon. V. Dupuis,  
Hon. M. M. Fergusson,  
Hon. R. B. Horner,

Hon. F. E. Inman,  
Hon. J. J. MacDonald,  
Hon. L. Méthot,  
Hon. S. J. Smith (*Kamloops*),  
Hon. J. W. Stambaugh,  
Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, *Joint Chairman*,  
Mr. H. Badanai,  
Mr. G. W. Baldwin,  
Mr. M. E. Barrington,  
Mr. A. Cadieu,  
Mr. J. A. Charlton,  
Mr. G. K. Fraser,  
Mr. D. R. Gundlock,  
Mr. M. A. Hardie,  
Mr. W. C. Henderson,  
Mr. F. Howard,  
Mr. W. H. Jorgenson,  
Mr. S. J. Korchinski,

Mr. R. Leduc,  
Mr. J. C. MacRae,  
Mr. J. J. Martel,  
Mr. H. C. McQuillan,  
Mr. H. J. Michaud,  
Mr. R. Muir (*Cape Breton North  
and Victoria*),  
Hon. J. W. Pickersgill,  
Mr. A. E. Robinson,  
Mr. R. H. Small,  
Mr. E. Stefanson,  
Mr. W. H. A. Thomas—24

Quorum—9

M. Slack,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

THURSDAY, June 2, 1960.  
(23)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.45 a.m. with the Joint Chairman, Mr. N. Dorion, presiding.

*Present:*

*The Senate:* Honourable Senators Fergusson, Inman and Smith.

*The House of Commons:* Messrs. Baldwin, Charlton, Dorion, Gundlock, Henderson, McQuillan, Robinson, Small and Stefanson.

*In attendance:* Hon. E. L. Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs. *From the Anglican Church of Canada:* The Most Rev. H. H. Clark, Primate of all Canada; The Rt. Rev. E. S. Reed, Bishop of Ottawa; The Rt. Rev. H. E. Hives, Bishop of Keewatin; Rev. Canon A. H. Davis, General Secretary, Missionary Society; Rev. L. F. Hatfield, General Secretary, Council for Social Service; Mr. Carl Latham and Mr. F. A. Brewin, Anglican laymen. *From the Department of Citizenship and Immigration:* Mr. H. M. Jones, Director of Indian Affairs Branch, and Mr. C. I. Fairholm, Executive Assistant to the Director.

The Primate, Archbishop Clark, was presented to the Committee and he introduced the members of his delegation and thanked the Committee for hearing their brief.

The Reverend Dr. Hatfield asked that the brief be taken as read, and the Committee agreed.

Dr. Hatfield then proceeded to the recommendations in their brief and the Committee questioned the delegation members.

The Primate thanked the Committee for their reception.

The Committee thanked the delegation for their appearance.

The Committee adjourned at 11.30 a.m. until 3.30 p.m. this day.

Clyde Lyons,  
*Acting Clerk of the Committee.*

## AFTERNOON SITTING

(24)

The Committee resumed at 3.30 p.m., the Joint Chairman, Honourable Senator James Gladstone and Mr. Noel Dorion, presiding.

*Present:*

*The Senate:* Honourable Senators Fergusson, Gladstone, Horner, Inman and Smith.

*The House of Commons:* Messrs. Baldwin, Dorion, Gundlock, Leduc, MacRae, Robinson, Small and Stefanson.



*In attendance: From the Co-operative Union of Canada: Messrs. Ralph S. Staples, President; and A. F. Laidlaw, National Secretary. From the Department of Citizenship and Immigration: Mr. H. M. Jones, Director of the Indian Affairs Branch, and Mr. C. I. Fairholm, Executive Assistant to the Director.*

Messrs. Staples and Laidlaw were introduced and Mr. Staples made a brief introductory statement.

Messrs. Staples and Laidlaw read the brief of the Co-operative Union of Canada and Mr. Staples was questioned thereon.

*Agreed,—*That the references and the appendix in the above-mentioned brief be taken as read and included in this day's evidence.

Mr. Jones, Director of the Indian Affairs Branch, supplied information on related matters.

At 5.30 p.m. the Committee adjourned until 9.30 a.m., Wednesday, June 8, 1960.

M. Slack,  
*Clerk of the Committee.*

## EVIDENCE

THURSDAY, June 2, 1960.

The JOINT CHAIRMAN (*Mr. Dorion*): Hon. Minister, ladies and gentlemen, I see that we have a quorum.

I am very happy to welcome the members of the delegation this morning. We know the importance, the value and the great influence of your missions to our Indian communities. I am sure every member has read your very interesting brief. It shows how great is your intent to assist us in a role which has been assigned to us. We thank you very much for your assistance. You can be sure that we will be very interested in your recommendations.

I will ask the Most Reverend H. H. Clark to introduce the members of the delegation from the Anglican Church of Canada.

The Most Reverend H. H. CLARK (*Primate of all Canada of the Anglican Church of Canada*): Mr. Chairman, honourable minister and honourable members, I do want to stress the great appreciation we feel in having the opportunity of coming before this joint committee to express some of the concerns which are naturally ours from our experience and also the concern we feel for this segment of our nation with which your committee is dealing.

We are very proud of the fact that in each church calendar on April 2, we remember that some 110 years ago Henry Budd was the first North American Indian to be ordained in the Anglican church. At the present time there are 18 men of Indian origin who are in the ministry of our church. From our experience over the years and from our concern we felt we might be able to bring before you some recommendations and thoughts which would be of value.

I am not going to try to present this brief myself, because there are others here who know a great deal more about the subject than I do.

I will now introduce the delegation. I think the best way is to start at this end. The first person to my right is Dr. L. F. Hatfield, General Secretary of the Council for Social Service. Beside him is the Right Reverend H. E. Hives, Bishop of Keewatin, whose whole life has been spent among the Indian people. Next to him is Mr. F. Andrew Brewin who is a lawyer and has been of great help to us. Beside him is Canon A. H. Davis, the General Secretary of the Missionary Society. The missionary society represents the pastoral concern of our church. That society is concerned with getting the clergymen worked into the parishes where the Indians are. Beside him is Mr. Carl Latham, an Anglican social worker and a member of the race with which we are concerned. Beside him is the Bishop of Ottawa, the Right Reverend E. S. Reed, the vice-chairman of the Executive Committee of the Council for Social Service. He is probably very well known to those of you in Ottawa. His endeavours in social causes is something for which we are very grateful.

This is the delegation which appears before you, gentlemen.

I might ask Dr. Hatfield to introduce our brief generally. Would that be satisfactory?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes. I understand that every member has read the brief. We will take it as read.

NOTE: The brief is as follows:

### INTRODUCTION

The Anglican Church of Canada is grateful for the opportunity of appearing before this representative Parliamentary Committee whose very existence stems from the concern of Her Majesty's Government for the well-being of the Indian constituency among the citizens of Canada.

This brief is the joint effort of the Missionary Society and the Council for Social Service of the Anglican Church of Canada. During the eighteen months spent in preparation, we have secured an experssion of opinion from a number of bishops, clergy and lay people in all parts of Canada who have an intimate working knowledge of Indian people. In addition, several conferences involving Indian personnel in our Church membership have been held and some ten briefs from interested Church groups have been submitted for our help and guidance.

Avowedly, the prime interest of the Anglican Church of Canada among her Indian membership is the pastoral concern. Some seventy clergy, together with a number of lay persons, are engaged in this ministry; an additional eight clergymen are Principals of Residential Schools and Hostels operated in partnership with the Government of Canada. Nevertheless we feel that the wide experience of the Church in Indian work and among other native Canadians over the past one hundred and fifty years, and which forms the background of this brief is, in point of fact, relevant to the needs and well-being of the TOTAL Indian populace. The concern of this brief is for all Canadians of Indian origin.

In recent years we have seen evidences of an increase in participation of Indian people in all phases of our Church life. Some eighteen men of Indian origin are serving in the ordained ministry of the Church. One of the great needs which faces us as Canadians is that of working out a pattern of well-being for all the various ethnic groups within our borders in a spirit of partnership. This is particularly true for the Indian Canadian for as long as the pattern of paternalism on the non-Indian's part and the spirit of utter dependence on the Indian's part exists, our two groups will forever remain apart.

The action of Her Majesty's Government in setting up this Parliamentary Committee has served to stimulate our own thinking about the motives, attitudes and relationships between Indians and non-Indians. This has resulted in our seeing much more clearly that many of the problems which exist between Indians and non-Indians do not lie in the Indian Canadians as an ethnic group, but in the relationship between Indian Canadians and the rest of the population.

In both Church and State, we see that Indians and non-Indians must strive for the deepest sense of partnership in which both groups work together for a common good and for the Society in which we both live. This brief then, concerned with the total well-being of Canadians of Indian origin, is submitted on behalf of Indians and non-Indians within the Anglican Church of Canada. While deeply conscious of the complexity of the present situation, we have attempted to deal, in part, with some of the mutual concerns of Church and Government, which for your consideration, fall under the following headings:

- I. Administration.
- II. Education.
- III. Economic Development.
- IV. Social Services.
- V. Citizenship.



## I. ADMINISTRATION OF INDIAN AFFAIRS

### *Government Policies and Programmes*

It is of the utmost importance that the Government policies and programmes pertaining to Indians should be communicated clearly, not only to the Indian people and to their Band Councils, but also to the Canadian public generally. There seems to be widespread ignorance and much suspicion among Indians regarding the Indian Act, the Treaties where relevant, and the obligations and rights appertaining to them. At the same time, it is essential that the non-Indian should be informed of the basic aims of national policy in Indian affairs, and of the many opportunities and difficulties associated with the implementation of this policy.

### *Integration*

It is our conviction that the provisions of the Indian Act and the administration of that Act should work towards the gradual and complete integration of the Indian as a person entitled to the rights and privileges of full Canadian citizenship, ready to accept all the responsibilities which pertain to that citizenship. We see such integration as one aspect of the total process by means of which a Canadian people and culture is being developed by Indian and non-Indian Canadians (recent immigrants and Canadians of long-standing) all bringing their heritage to a common Canadian life. That which fosters independence, initiative, self-esteem, and an appreciation of one's own heritage, and that of others, is greatly to be desired.

In view of the various stages of development in different areas, and the great variety in cultural backgrounds, provision for a maximum of flexibility is desirable in a national programme. During this period of gradual integration, much support and help must be forthcoming from all levels of government and community agencies. The Church recognizes that it has a unique role in encouraging mutual understanding, and in providing supportive services as a voluntary agency.

### *Various Levels of Administration*

We regard as highly desirable the present development of the Indian Affairs Branch within the Department of Citizenship and Immigration, and the extension of its staff in both numbers and competence.

#### *(a) Regional Offices*

It has been noted that there has been a decentralization of administrative authority and responsibility. The establishment of regional offices has been beneficial. This development facilitates co-ordination with provincial services arising from provincial legislation, and should help to ensure that services provided by the Branch shall be more in line with those available to non-Indians in the same region. It makes possible the necessary flexibility referred to above, and should speed-up administrative processes. The extension of this process is to be considered favourably, as long as it does not interfere with the rights of individuals or make the co-ordination of programmes too difficult.

#### *(b) Agency Superintendents*

The role of the Agency Superintendent, who is situated in the midst of the Indian community and is confronted with the daily situation, is of prime importance. Such officials should be of the highest possible calibre, and every effort should be made to provide them with an appropriate specialized training and adequate staff.

It is recognized that Agency Superintendents must have competence with respect to the prevailing economy of the region, but we recommend that in the recruitment, selection and preparation of these staff persons, a major emphasis

should be placed upon a) their understanding of people and their needs, and b) their ability to develop qualities and characteristics of good citizenship among those with whom they work.

*(c) Indian Civil Servants*

We approve the recent appointment of Indians as assistants in Indian Agencies, and we trust that more will be encouraged to prepare themselves for positions on the staff of the Indian Affairs Branch and in administrative posts on all levels of government.

*(d) Provincial and Municipal Services*

We welcome the way in which provincial and municipal authorities are increasingly assuming responsibility for the provision of specific services to and on behalf of the Indian. Careful attention should be given to the encouragement and extension of this trend whenever possible.

## II. EDUCATION

Before we examine this vital field, namely the development of the educational life of Indian people, we must study the reasons for the Church's continuing interest in the subject.

The interest of the Church in education stems from the belief that her message is relevant to every phase of a man's life. There are no frontiers in man's life, body, mind, or spirit, foreign to God, who revealed himself in Jesus Christ.

The interest of the Church in the education of the Indian people began with the Church's first contact with her Indian people. She provided the means of education because no other organized means was available.

Today communities concerned in all parts of Canada have co-operated with higher levels of Government in providing educational facilities for their children.

However, there are still many areas where there is little or no developed community consciousness or sense of responsibility with respect to educational needs. There are hopeful signs, but during the interim period between complete lack of interest and some measure of local responsibility for education, it is our strong belief that the Church has a vital part to play in the educational life and needs of the Indian people. The Church represents in many of these developing areas the appropriate representative voice of peoples slowly emerging into community consciousness.

We strongly affirm that any tendency on the part of the Federal Government to be the sole arbiter of the educational policy for the Indian people is regrettable.

*The Role of the Church*

There can be no adequate educational programme in a country unless such an education has a strong religious basis. We accept the principle therefore that one of the effective roles of the Church, in sharing with Government some measure of responsibility for Indian education, is to carry through some of the practical applications of this belief.

*(a) Recruitment of Teachers*

We are aware that the most important element in an educational programme is the teacher and his work. Here, we see another supporting role of the Church, in this partnership with Government, to be an agency through which Canadian young people, Indian and non-Indian, are called upon to give themselves in ever increasing numbers in dedicated service to this distinctive

sphere of teaching in all types of schools where both Indian and non-Indians are to be found, especially in the isolated areas.

#### *(b) Accommodation for Children*

Another supporting role of the Church in this partnership with Government is to be the agency whereby the best possible substitute for the child's home can be found when for circumstances beyond the child's control he is forced to leave home for educational purposes.

The Church believes that her pastoral obligations leave her no recourse but to retain the privilege of entering into agreement with the Government to assist in the maintenance of adequate Hostel accommodation for Indian children where it is necessary.

#### *Types of Indian Institutions*

Education for Indian people in Canada has developed to the point where there are three main methods of operation:

- (a) Indian Day Schools.
- (b) Indian Residential Institutions.
- (c) Integrated Schools.

#### *(a) Indian Day Schools*

We heartily commend the Education Division of Indian Affairs Branch of the Department of Citizenship and Immigration on the marked increase in the number of day schools in areas where it is impossible for Indian children to attend with non-Indian children. Indian day schools now number 375 in all parts of Canada. Over 17,000 Indian children are being taught in these schools.

We earnestly urge a continuing expansion in these services, believing as we do, that any means which can be provided to keep children within the family unit is essential and desirable. Day schools conserve the values of home life and parental influence, and keep education in the normal environment of the child. Educational advances to be permanent depend upon active home and community co-operation.

Children attending these day schools should have the same curricular advantages as other children in the Province or Territory in which they reside.

#### *(b) Indian Residential Institutions*

Of the sixty-five Indian Residential Institutions mentioned in a Review of Activities 1948-1958 of Indian Affairs Branch, fifteen are under Anglican auspices. In these institutions, nearly 2,400 Indian children are being cared for.

In an era of rapid social change in which the Indian people are vitally involved, it is inevitable that the role of Indian Residential Institutions be under constant review.

We endorse the policy of Government by which the emphasis in some of our Residential Institutions is being changed so that they are now becoming places where children live rather than where they both live and receive class-room instruction. However, we can readily see an increase in the use of these institutions for:

- (i) Children from normal homes unable to secure education because of isolation; and
- (ii) Children from broken homes, ill-adjusted children or orphan children.

In the case of those children in the second category who require specialized help, we feel strongly that they should not be kept in the same institutions as children from the normal home backgrounds, and who are in Residential



Institutions merely because adequate day school accommodation is not available in their area. We strongly urge that more adequate facilities be provided for the housing and education of children who require specialized help.

The role of the Indian Residential School has changed over the years. We heartily endorse the trend towards the establishment of student hostels in or near communities which will allow Indian pupil participation in the ordinary activities of school and community.

A residential institution, no matter how well operated, does not and cannot take the place of the home environment and parental care and guidance. Pupils and parents alike have to make emotional as well as other adjustments when a child leaves home to attend a residential school or hostel. Church and government officials working together can ease this adjustment, especially for the children, by preparing them by instruction, talks and discussion of the new experiences confronting the pupil. Particularly is this true where a plan of progressive grade promotion towards integrated classroom instruction requires a pupil to be transferred to perhaps three different residences in reaching grade nine standing.

We do feel that the present ratio between supervising staff and pupils in the residential institutions leaves much to be desired. The hours of work are too long. In some hostels, a supervisor has the mother-care of up to fifty girls, and is on duty sixty-two hours a week. Under such circumstances little constructive work can be accomplished.

The Indian Affairs Branch is to be commended for the improved financial arrangements made with the Church groups to govern operation of the residential schools and hostels. Standards in many departments of institutional life have been improved appreciably. There is a danger, however, that with the Indian Affairs Branch assuming more of the financial responsibility, the concept of 'Government and Church partnership' is being lost. The flexibility of action of the Church agencies is hampered by the imposition of government-made rules and regulations made to apply to all the institutions generally, and overlooking entirely local and individual circumstances. For example: ten dollars per pupil per year is allowed by regulation for what are called 'extra-curricular activities'. Such items as film rental, Scout and Guide uniforms, musical festival costs, Christmas toys, etc. are included in this budget. No recognition is made of the fact that some residential institutions are located in or near large communities where there is a heavy drain on this budget, through pupil participation in inter-school competitions and activities, while other schools are isolated and require fewer calls on this particular budget.

In order that students leaving residential institutions may be afforded every opportunity to make the best possible use of their education, it is recommended that an adequate follow-up programme, co-ordinated with job placement services, be inaugurated. Too often, such students suffer from the fact that they do not have sufficient guidance and help to enable them to become established in satisfying and productive vocations.

Residential Institutions care for the whole life of a child for ten months of the year without cost to the Indian parent. The question may be raised whether Government or Church is doing a just service in removing from the parents all such responsibility for their child or children. Should there not be an opportunity for the Indian parent to pay towards the cost of maintaining the pupil in a residence? For example, recipients of interest distribution from Band Trust Funds might be expected to make a contribution towards the maintenance of their children at Residential Institutions. It is recognized that the economic status of the Indian peoples varies from place to place, and that only 'token' fees or board charges could be expected. We feel, however, that by paying even a token amount towards the maintenance of his child, the parent will feel more responsible for his family, and the child a closer tie with the parent.

### *(c) Integrated Schools*

We heartily endorse the movement towards integrating Indian pupils into non-Indian classrooms in all communities. There are great benefits accruing not only to the Indian but to the non-Indian child, not least in the field of scholastic competition and achievements. It also affords an opportunity for the Indian to adjust to the social and economic environment in which in all probability he will be more and more involved.

It is inevitable, however, that serious problems and tensions arise. If the desired results of an integrated programme of classroom instruction are to be achieved, it is important that the fundamental premises of the programme be first explained to the parents and children of both the Indian and non-Indian constituency, and more essentially to the teaching profession in whose hands success or failure of the programme depends. An unsympathetic teacher can not only wreck the programme but what is more disastrous, damage the personalities of the Indian children.

### *Hostels*

Apart from large-sized hostel accommodation now being provided on the edge of some cities and towns, we would like to see explored the possibility of establishing small homes, under adequate supervision, in some of our large metropolitan areas. This would enable some Indian young people with special aptitudes to further their academic education, and gradually adjust to the increasing urbanisation of Canadian life. Experiments are being made in the placement of individual young people in private homes. This we wish to encourage, but we recognize that some young people are unable to make the required adjustment to these surroundings and the prolonged isolation from other Indians.

Greater care in the selection of homes, and more emphasis on a needed interpretative role both to the Indian young people concerned in the situation, and to those receiving them into their homes, will greatly decrease the difficulties encountered in this exemplary attempt towards well-adjusted integration. We urge that there be much closer and sustained contact maintained between those responsible for the placement programme, and the student and homes in which they reside.

### *Vocational Training*

It is desirable that there be an expansion of the 'terminal class-room' facilities. Many Indian children are unable to meet the academic standards required in the vocational training programmes of the schools in adjacent communities which they are expected to attend.

We wish to commend the Government on its apprenticeship and placement programmes and urge for an expansion in these programmes. We believe that there is need for an interpretative programme to be undertaken on the reserves, geared to showing parents of Indian children the benefits of participation in these programmes. Too many parents are still not convinced of the value of higher education and the learning of new skills.

### *Teachers*

Academic qualification ought not to be the only prerequisite of a teacher in Indian classrooms. Because great responsibility for moulding the character of the pupil rests upon the teacher, those selected for this work should be chosen on the basis of their qualities of understanding, sympathy and integrity. Without an elementary understanding, at least, of the background, traditions, hopes and aspirations of the Indian people amongst whom the teacher is being placed, rapport cannot exist between the teacher and pupil. We recommend that

orientation courses be conducted by the Indian Affairs Branch for in-going teaching personnel. Teachers should also be informed concerning the administration of the Indian Affairs Branch and the aims of the Canadian Government for Indians.

### *Provincial Education*

Because of the scope of the Indian Affairs Branch, Education Division, its interest, of necessity, has to be nation-wide, and general in application. Has not the time come, in certain areas, where the details and mechanics of Indian education could be better served if the Provincial Departments of Education had such jurisdiction? The Federal Government would maintain its obligation to provide Indian Education by expenditure of the necessary funds for such a programme. Precedence for such a system already has been established where Provincial and Municipal Departments of Education receive grants from the Indian Affairs Branch not only for instructing pupils but towards the capital cost of building and classroom construction. We suggest that the possibility of the Indian Affairs Branch delegating its educational responsibility to the Provinces be studied, and that wherever practicable, Indian Education, as far as policy and practice is concerned, be a Provincial responsibility with the Federal Government meeting costs. We feel this would assist the Indian to become interested and concerned in community life about him.

### *Indian Trustees*

Too frequently decisions are made governing the life of Indian peoples by officials without consultation taking place with the Indians concerned. In matters of education, this also applies. It is recommended that where circumstances are favourable, Indian trustees be appointed to assist local Indian Affairs Branch officials in establishing school policy and local school practice. This will not only gain the support of the Indian people for the educational programme, but could well enrich that programme by the Indian contribution. We note with much satisfaction that at least eleven Indian school committees with Indian membership have been organized and function effectively.

### *Section 117 of the Indian Act*

This corresponding section in the Act before the revision of 1951 reads.... "....No Protestant child shall be assigned to a Roman Catholic school or a school conducted under Roman Catholic auspices, and no Roman Catholic child shall be assigned to a Protestant school or a school conducted under Protestant auspices". (Section 10, Paragraph 2).

The section in question in the Act of 1951 and followed through in 1952 and 1956 revisions states:

"Every Indian child who is required to attend school shall attend such school as the Minister may designate, but no child whose parent is a Protestant shall be assigned to a school conducted under Roman Catholic auspices and no child whose parent is a Roman Catholic shall be assigned to a school conducted under Protestant auspices, except by written direction of the parent".

Although department officials content the important portion of the above-quoted section is "such school as the Minister may designate" in actual practice in the field the closing clause of the section seems to dictate policy with the result that Indian parents for minor reasons, change the school which their children attend. This is noticeable in areas where one school might have better sport facilities than another or where a hot meal might be served at noon to day pupils. Then too the clause in question could be used as a lever in proselytizing.



We strongly recommend that the closing clause, "except by written direction of the parent" be removed from Section 117.

#### *Adult Education*

On those Reserves where the Indian adults express interest in improving their education standing, the Indian Affairs Branch has established and operated adult education programmes. Commendable results have been attained in some areas by overcoming illiteracy and by improvements generally of such important items as sanitation, nutrition and home life. We urge that the adult education and guidance programmes be further expanded and receive more widespread application.

### III. ECONOMIC DEVELOPMENT

The economic problem is probably the most critical issue facing the Indian. Because of the rapid increase in Indian population, the depletion of certain resources and the inelasticity of many traditional modes of earning a livelihood, the encroachment of the rapidly expanding Canadian industrial economy into the north, and the depressed fur economy during recent years, the traditional mode of earning a livelihood has been threatened and in many cases has disappeared.

Accordingly, it will be necessary to strengthen the old modes of employment, and to find alternative forms of earning a living in order to maintain even the current standard of living, and to effect improvement. Each area has its own special problems and opportunities.

It will be desirable, for instance, in some areas to continue the programme already under way designed to bring some measure of stability to the Indian economy by the management of wild life resources by: promoting the rehabilitation of fur bearing animals; instructing Indians in sound game conservation procedures; supervising their activities in fishing; arranging with the province, as custodian of natural resources, to secure for Indians a just and proper share of fur game and fish outside reserves; purchasing and allocating of traplines, and providing assistance in fur and fish marketing.

It is anticipated that Indians will continue to play an important role in the tourist industry as guides and in other capacities.

It is recommended that there be encouragement of the development of self-supporting enterprises of all kinds and the expansion of projects already undertaken to develop the economy on some reserves. In this connection, adequate studies of reserve resources, actual and potential, may well increase present possibilities.

As development takes place in the north, new opportunities for employment are created. This provides promising prospects for Indian labour who are often in the areas and able to engage in construction and other work well suited to the social and cultural traditions and abilities of Indians. It has the added advantage of not requiring Indian people to move out of their accustomed surroundings, and to adapt to the highly complex structure of more settled communities.

Those Indians who are willing and able to settle away from reserves should be supported in so doing.

Continuing efforts should be made: (a) to search out and utilize employment opportunities for persons who are qualified, able and willing to use them; (b) to search out and develop new opportunities in a wider range of job activities and to extend those available; (c) to train and develop Indians in order that an increasing number of work opportunities can be utilized by them, and in particular to help them acquire the skills and habits of the more settled occupations.

These aims have been given expression in the Placement Programme which the Indian Affairs Branch has initiated. We strongly urge that this programme be greatly expanded and that greater provision be made by the inclusion of family groups as well as individuals.

### *Credit*

Indians on some reserves may have loans from the Revolving Loan Fund or band trust funds. Notwithstanding this, Indians on and off the reserve continue to be concerned about the restriction of credit because of their inability to provide the necessary security for loans, and because of the immunities from seizure arising out of the Indian Act.

Recognizing the fact that any extension of credit facilities presents certain difficulties and must be considered most carefully, it is strongly recommended that the whole system of loans for productive purposes and programmes of self-help for Indians on and off reserves be examined with a view to ensuring a greater availability of credit. It is suggested, for instance, that the Federal Government make loans from sources other than the Indian Trust Funds available to carefully selected Indian farmers for the purchase of land and equipment off the reserve. This might begin with a small pilot project supervised by competent staff. Similar arrangements might be made to assist Indians who are competent in business occupations.

## IV. SOCIAL SERVICES

It is difficult to establish a comprehensive and uniform programme of social services for the relatively small and scattered Indian population and to span the vast economic and cultural conditions which exist throughout Canada. Health and welfare services should be sensitive to the needs of Indian people and related to those provided to non-Indians in adjacent communities.

A community is weakened when an individual lacks minimum subsistence which prevents him or his dependents from living in conditions of minimum health and decency; and when an individual is unable to attain the minimum subsistence level by his own unaided efforts, the community has a responsibility to assist him to take a role in society as a productive and independent person.

It is our conviction that Indians should have the same right to health and welfare benefits as other Canadians.

It is highly desirable that Indians, like members of any community, should know about the quality and quantity of services to which they are entitled. Information of this nature helps to satisfy the basic human need for a sense of security; it would undoubtedly clarify and affirm the status of recipients, removing stigma from the receipt of benefits, and should contribute towards a feeling of dignity and worth on the part of the Indian people. This will also facilitate administration of benefits because those needing assistance will be able to base their application on stated conditions rather than on 'hard luck' stories designed to elicit an emotional response, and those who have failed to qualify for benefits will more readily realize that the decision was based not on subjective elements. This should help to eliminate much antagonism and resentment.

There should also be provision for a right to appeal in the event of controversy.

### *Income Maintenance*

By reason of the present economic handicaps which many Indians face, often through no fault of their own, there is continuing need for an income maintenance programme designed to meet basic subsistence needs probably

for a larger proportion of Indian than non-Indian population. It is essential that this assistance be provided in such a way so as not to encourage dependency and it should be closely linked with training or re-training and supplemented by rehabilitative services.

During recent years, Indians have become eligible for categorical forms of assistance available to other Canadians provided wholly or in part by the federal government. In some provinces, Indians residing on reserves benefit as well from allowances which are paid by provincial funds exclusively.

Continuing efforts should be made to enable Indians to participate in provincial welfare programmes as for example child welfare, public assistance, and all rehabilitative services. Also, programmes administered by the Indian Affairs Branch should be structured in such a way as to facilitate their transfer to appropriate provincial or municipal authorities providing services to non-Indians.

Until the necessary services are available under provincial and municipal auspices, there will continue to be a need for a public assistance programme within the Indian Affairs Branch based on the "means test" principle with clearly defined standards established.

It is felt that Indians in need should be entitled to assistance at a minimum level of health and decency. Moreover, there should be no essential difference in the basic standard whether the assistance is provided from band trust funds or by appropriations of the federal government. It is recommended that band councils should assume responsibilities for administering the public assistance programme comparable to those assumed by municipalities, as funds permit. In such a programme, any band which is willing, and has the necessary resources, should be encouraged to exceed the basic minimum standard in order to achieve a maximum of other socially desirable goals.

It is understood that Indian band councils are responsible for meeting certain welfare needs; however, they do not meet the consequences of certain unmet needs, e.g. child welfare. It is felt that further delegations of responsibility and authority to Band Councils should be considered carefully, and made only after appropriate controls have been established to ensure that persons in need are guaranteed adequate assistance.

### *Family and Child Welfare Services*

The Church lays great stress upon the basic and essential nature of the family unit. It is urged that every effort be made to strengthen family life in Indian as well as in non-Indian communities, and that appropriate services to prevent or alleviate breakdown should be provided. For instance, this might well include family counselling services. There has been a welcome development in that financial provision has been made by federal authority to enable child welfare agencies which are charged with responsibility for providing services to Indians living on reserves to assume their responsibility. For example, this may be seen in the work of the Children's Aid Society in certain areas of Ontario. It is recommended that this development be continued and extended.

There is urgent need for treatment facilities for Indian children with serious behaviour problems. At present, a number of these children are being accommodated in correctional institutions and Indian residential schools which do not meet their needs. These children need treatment in specialized institutions designed for this purpose. It may well be that some of these will have to be provided specifically for Indian children because their stage of development may be such that they will be unable to take advantage of the similar facilities available in the non-Indian community.



### *Residence and Responsibility*

An Indian who has left the reserve establishes residence in a municipality in the same way that any other newcomer to that locality does. Therefore, public and private organizations in non-Indian communities should assume responsibility for providing health and welfare services on behalf of Indian residents who meet the eligibility requirements defined in legislation and relevant administrative regulations, which are applicable to other members of the community. Until the Indian, who leaves the reserve and enters a non-Indian community, qualifies for services, the federal government should assume responsibility and, wherever possible, use facilities existing in the non-Indian community.

### *Housing*

The need for improved housing for Indians residing on and off reserves is urgent and great. It is essential that the present housing programme be continued and extended and that, wherever possible, the Indian be expected to make a maximum contribution towards the cost of the dwellings.

Before undertaking any major housing projects on reserves, it would seem desirable to study the system of land holdings and reserve resources to ensure that such projects have a sound economic and social basis. We suggest that Indians who are leaving the reserve, should receive assistance from the Indian Affairs Branch in securing adequate housing during the initial period of transition.

### *Treatment of the Offender*

The disproportionate number of Indians incarcerated in correctional institutions in Canada is a painful indication of the lack of opportunities for Indian young people and of the dearth of community services.

It is essential that greater efforts be made to keep those who have broken the law out of these institutions by more adequate rehabilitative programmes in the community and that treatment and rehabilitation should be the major emphasis for those who are incarcerated.

## V. CITIZENSHIP

### *Status and Citizenship*

There are two categories of persons of legal Indian status as defined by the Indian Act:

- (a) those under formal treaties; and
- (b) those not under formal treaties.

It is desirable that both groups receive comparable services as has been the practice of the government.

Recognizing that persons of both of these groups are citizens of Canada with, however, special status derived from the Treaties and the Indian Act, it is our conviction that

(1) the same responsibilities, rights and expectations inherent in full Canadian citizenship should be shared by persons of legal Indian status except to the extent that they are inconsistent with fixed legal obligations inherent in the treaties and in the reserve system.

(2) on the Reserves, while still maintaining the strengths of family and community life, every opportunity to participate in those processes most usually associated with responsible democratic government, should be afforded band councils, thereby providing actual experience in duties, rights and responsibilities pertaining to full Canadian citizenship.

(3) the federal franchise be granted to all Indians residing on reserves without prejudice to their status.

(4) the Indian Act provide for the functioning of Band Councils along similar lines as those followed by Municipal Governments in adjacent areas. Also, encouragement should be given to Band Councils as they become competent to raise funds to finance local projects and improvements.

#### *Enfranchisement—Section 112*

It would appear that the threat of compulsory enfranchisement is an unnecessary source of fear and resentment. We recommend that this Section of the Indian Act be revised to eliminate the compulsory aspect implied in Section 112, Subsection 1, Indian Act 1956 Revision.

#### *Right of Appeal and Legal Aid*

There is a general comment earlier in our Brief as to the importance of fostering independence. It is our view that there are many provisions of the Indian Act which confer on the Minister unnecessarily wide discretionary power, a discretion which in practice must perforce be exercised by field officers. We urge that the Act be reviewed to see where it is possible to remove these discretionary powers and put the Indian in the same position as any other Canadian. We further urge that the right of appeal from decisions of the Minister or conferred by Section 47 of the Act be extended to all decisions of the Minister or Governor-in-Council and that the appeal, instead of being to the Exchequer Court, be to appropriate courts or tribunals accessible to the Indians affected.

We also suggest that an Indian involved in a serious legal matter, if not financially independent, be provided with legal advice and representation. The availability of free legal advice to the Indian would greatly facilitate effective administration.

#### *Citizenship Training and Community Development Programmes*

We heartily endorse programmes in community development and citizenship training and call for their extension.

#### *Other Persons of Indian Origin*

There is an increasing urgency in many parts of Canada concerning the sad plight economically, culturally, and spiritually, of thousands of Canadian citizens classified under the general term 'Metis'. Inasmuch as these people have taken their origin from Indian ancestry, we feel it to be incumbent upon the Federal Government to initiate conversations with the appropriate Provincial and Municipal levels of Government with a view to making available to these people the full rights and privileges of Canadian citizenship.

### CONCLUSION

In conclusion, we wish to express our appreciation for the opportunity of presenting this brief for the consideration of the Joint Committee of the Senate and House of Commons, appointed to examine the Indian Act and to investigate Indian administration.

Many times during the preparation of this brief, we have been made aware of the diversity and complexity of those factors affecting the life of Indian Canadians. It seems quite certain that any constructive policy and programme on the part of Government, capable of promoting the total well-being of the Indian peoples especially during this time of great economic and social change, will only result from imaginative thinking and long-term study of the needs

and aspirations of Indian Canadians. In this, the Church has a significant and determinative role to play. We are likewise confident that this present inquiry and the resultant interest which it has provoked among Canadians, will lead to lasting and beneficial changes for Indian Canadians.

We are hopeful that in some measure the findings and suggestions contained in this brief will assist this Parliamentary Committee as it thinks through a policy whereby Indian Canadians are afforded the opportunity of a full and satisfying life, one which will enable them to take their rightful place and bring their own distinctive enrichment to the whole of Canadian life.

A digest of those recommendations and suggestions contained in the brief is appended.

Respectfully submitted,

*Primate of All Canada*

## SUMMARY OF RECOMMENDATIONS AND SUGGESTIONS

### *Administration*

1. To alleviate widespread ignorance and suspicion, the policies and programmes of the Government of Canada, pertaining to Indians, should be communicated clearly to Indians, Band Councils and the Canadian public generally.

2. The provisions of the Indian Act and the administration of that Act should work towards the gradual and complete integration of the Indian, as a full Canadian citizen, into Canadian society.

3. The present trend of decentralizing administrative authority and responsibility should be continued and we recommend the continuing extension of the Indian Affairs Branch staff both in numbers and competence.

4. In the recruitment, selection and preparation of staff persons (e.g. Agency Superintendents), a major emphasis should be placed upon the candidate's understanding of people, his knowledge of the Indian community, and skill in developing qualities and characteristics of good citizenship among those with whom he works.

5. More Indians should be encouraged to prepare themselves for positions on the staff of the Indian Affairs Branch and in administrative posts on all levels of government.

6. Careful attention and encouragement should be given to the possible extension of provincial and municipal services to and on behalf of Indians.

### *Education*

1. It is strongly urged that there be an increase in the number of day schools where Indian children may attend and these schools should provide the same curricula advantages as other schools in the Province or Territory.

2. It is recommended that, in residential institutions, children from normal home backgrounds should not reside in the same institutions as ill-adjusted children. It is further recommended that facilities for those children requiring specialized help be increased.

3. The trend to establish student hostels, as necessary, in or near communities should be continued.

4. It is urged that a more favourable ratio between supervising staff and pupils in residential institutions be established and that shorter working hours for the staff be inaugurated.



5. Parents should have the opportunity of participating in the cost of their child's maintenance at residential institutions.

6. It is recommended that the possibility of establishing small homes under adequate supervision in large metropolitan areas for students be explored.

7. Greater care should be taken in the selection of homes for Indian students. Closer and sustained contact should be maintained by those responsible for the placement programme with students and the homes in which they reside.

8. As many Indian children are unable to meet the academic standards required in vocational training 'terminal class-room' facilities should be increased.

9. It is urged that a programme be instituted on the reserves to interpret to parents the benefits of their children's participation in apprenticeship and placement programmes. Such programmes should be expanded.

10. It is suggested that more care should be taken in selecting teachers for positions in Indian schools and that orientation courses be conducted by the Indian Affairs Branch for 'in-going' teaching personnel.

11. It is suggested that the Indian Affairs Branch study the possibility of delegating its educational responsibility to the Provinces wherever this is practicable.

12. Where circumstances are favourable, Indian trustees should be appointed to assist local Indian Affairs Branch officials in establishing school policy and practice.

13. It is recommended that the closing clause, "except by written direction of the parent", be removed from Section 117 of the Indian Act.

14. It is urged that the adult education and guidance programmes be further expanded and receive more widespread application.

### *Economic Development*

1. It is recommended that self-supporting enterprises on the reserves be encouraged; that there be an expansion of projects designed to develop the economy on some reserves, and that a study be made of actual and potential resources on the reserves. Also, those Indians who are willing and able to settle away from reserves should be assisted in so doing.

2. It is recommended that the placement programme be greatly expanded and that provision be made to include family groups as well as individuals. Also continuing efforts should be made: (a) to search out and utilize employment opportunities for persons who are qualified, able and willing to use them; (b) to develop new opportunities in a wider range of job activities and to extend those available; (c) to train and develop the skills of Indians in order that an increasing number of work opportunities will be open to them especially those in more settled occupations.

3. As the Indian on and off the reserve is concerned about the restriction of credit, it is recommended that the whole system of loans for productive purposes and programmes of self-help be examined. It is suggested that the Federal Government make loans from sources other than the Indian Trust Funds available to carefully selected Indian farmers for the purchase of land and equipment off the reserve.

### *Social Services*

1. Indians should have the same right to health and welfare benefits as other Canadians and should be informed as to the quality or quantity of services to which they are entitled. There should also be provision for a right to appeal in the event of controversy.

2. It is suggested that as there is a continuing need for an income maintenance programme, that this service should be provided in such a way so as not to encourage dependency. Further, it should be closely linked with training or re-training and rehabilitation.

3. Continuing efforts should be made to enable Indians to participate in provincial welfare programmes, e.g. Child Welfare, Public Assistance and all rehabilitative services. Such programmes administered by the Indian Affairs Branch should be structured in such a way as to facilitate their transfer to appropriate provincial or municipal authorities providing services to non-Indians.

4. It is recommended that in a public assistance programme, band councils should take comparable responsibilities to those assumed by municipalities, as funds permit.

5. Further delegations of responsibility and authority to Band Councils should be considered carefully and made only after appropriate controls have been established to ensure that persons in need are guaranteed adequate assistance.

6. Every effort should be made to strengthen family life in Indian as well as in non-Indian communities and appropriate services to prevent or alleviate breakdown should be provided, e.g. family counselling services.

7. It is recommended that until the Indian who leaves the reserve and enters a non-Indian community qualifies for services, the federal government should assume responsibility for such services as are necessary and that wherever possible, facilities existing in the non-Indian community should be used.

8. It is essential that the present housing programme not only be continued but extended and that, wherever possible, the Indian be expected to make a maximum contribution towards the cost of the dwellings.

Also it is suggested that Indians who are leaving the reserve, should receive assistance from the Indian Affairs Branch in securing adequate housing during the initial period of transition.

9. Greater efforts be made to keep those who have broken the law out of correctional institutions by more adequate rehabilitative programmes in the community, and treatment and rehabilitation should be the major emphasis for those who are incarcerated.

### *Citizenship*

1. All the responsibilities, rights and expectations inherent in full Canadian citizenship should be shared by persons of Legal Indian status, except such as may be inconsistent with those obligations inherent in the treaties and reserve system.

2. Every opportunity to develop democratic processes within band councils should be encouraged, while still maintaining the strength of family and community life.

3. It is urged that the federal vote be granted to all Indians residing on reserves without prejudice to their status.

4. It is suggested that the Indian Act provide for the functioning of Band Councils along similar lines to those followed by Municipal Governments in

adjacent areas, and as Band Councils become competent, for the raising of funds to finance local projects and improvements.

5. We recommend that Section 112, Subsection 1, Indian Act 1956 Revision, be revised to eliminate the compulsory enfranchisement provision.

6. We urge that the Indian Act be reviewed with a view to the possible curtailment of the wide discretionary powers of the Minister so as to place the Indian in a comparable position to that of any other Canadian. It is further urged that the right of appeal from decisions of the Minister or conferred by Section 47 of the Act be extended to all decisions of the Minister or Governor-in-Council and that the appeal, instead of being to the Exchequer Court, be to appropriate courts or tribunals accessible to the Indians affected. It is also suggested that an Indian involved in a serious legal matter, if not financially independent, be provided with legal advice and representation.

7. The extension of community development and citizenship training programmes is urged.

The JOINT CHAIRMAN: Now we will be glad to hear your commentary.

Dr. L. F. HATFIELD, (*General Secretary, Council for Social Service*): Mr. Chairman and hon. members, I think the proper procedure would be to make a few general observations and try to gather together or underline some of the basic principles we have tried to enunciate in this brief. Then I will turn to the recommendations at the end and deal with them section by section.

May I just say that I do not want you to get the impression, as I present this, that we consider this matter in any way a simple thing. We have endeavoured to ascertain from those who are working among the native peoples of Canada the wealth of their experience. We have endeavoured to get from them their suggestions arising out of their experience. We have had a number of consultations with some of our Indian clergy and bishops working among the Indian people. We have had briefs presented from the various groups and dioceses, and this brief is an attempt to gather together the considered thought of those whom I have described.

I think probably the central core of our brief is to be found on page 3 under the heading "Integration". I think I should start with that first paragraph. It is our conviction that the provisions of the Indian Act and the administration of that act should work towards the gradual and complete integration of the Indian as a person entitled to the rights and privileges of full Canadian citizenship, ready to accept all the responsibilities which pertain to that citizenship. This is how we attempt to define integration. We see such integration as one aspect of the total process by means of which a Canadian people and culture is being developed by Indian and non-Indian Canadians—recent immigrants and Canadians of long standing—all bringing their heritage to a common Canadian life. That which fosters independence, initiative, self esteem and appreciation of one's own heritage, and that of others, is greatly to be desired.

It is in this perspective that our brief is presented. We have tried to suggest the extension of that which is now being done towards this basic objective.

You will notice we are suggesting that our concerns be considered under the heading of administration, education, economic development, social services and citizenship. Throughout the brief there is a major emphasis and constant reference to the recent developments in government programs towards this end. We feel there should be more widespread knowledge of what has taken place and what is planned for the future. Throughout the brief we have been strongly supported by the constructive studies which have been made already. They had to do with the need for interpretation; the necessity for national interpretation of one group in the community; facilities and program services; the need of the Indian parent to understand what the possibilities are for his child; the



need for those who work in this area—teachers and government officials—to know more of the life of the people with whom they work and what benefits and facilities should be more adequately used. We have tried to emphasize, which I think we have done in some measure, the basic and essential nature of the family unit. Every effort should be made in all areas of concern to keep the family together in education, welfare services and so on. Anything that will strengthen the family unit and alleviate breakdowns must be of primary concern.

There is an emphasis on the quality, the competence and adequate training of the staff, and the fact that they should not have just competence in their own particular field of endeavour but should above all have those qualities of sympathy and understanding which greatly facilitate ministering to others. We are concerned about the lack of economic opportunities for the Indian. This is one of the primary needs, as we see it. We feel that the Indian Canadian should be eligible for the same services which are available to other Canadians. You will find repeated reference to the necessity for more intensive studies concerning the conditions which obtain and the needs and aspirations of Indian Canadians. We conceive of the band councils as emerging into a type of municipality, with all the responsibilities and privileges which are involved in that development, with every opportunity for the development of democratic processes.

Now, having said these few things and underlining the fact that we are concerned with the spiritual development and growth of our native peoples, you will wonder perhaps about the Church making recommendations in these various fields. I think we would all say this, that the Church declares that it is concerned with the whole of life, and therefore must give thought to what it will contribute to the total well being of our native peoples, as well as the rest of Canada.

Those are some of the basic principles contained in our brief. I would now like to go to the recommendations at the back of the brief. There are a great number of them, listed under various headings.

What I thought we might do, is to introduce the recommendations under each section, after which we would be glad to try to answer any questions arising out of these recommendations.

The first one has to do with the administration of the Indian Act and its regulations—government policies and programs. Would you like me to read the recommendations?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes, if you would proceed.

Senator SMITH: On what page are they to be found?

Dr. HATFIELD: If you turn to page 23, you will find them there.

### *Administration*

1. To alleviate widespread ignorance and suspicion, the policies and program of the government of Canada, pertaining to Indians, should be communicated clearly to Indians, band councils and the Canadian public generally.

We learned so much, as we—and I am referring to our church committee—were forced to look more thoroughly at what is happening. We covet that kind of opportunity for others.

2. The provisions of the Indian Act and the administration of that act should work towards the gradual and complete integration of the Indian, as a full Canadian citizen, into Canadian society.

You will realize that recommendation No. 2 deals with that first quotation with which I started, namely our definition of integration.

3. The present trend of decentralizing administrative authority and responsibility should be continued and we recommend the continuing extension of the Indian affairs branch staff both in numbers and competence.

4. In the recruitment, selection and preparation of staff persons (e.g. agency superintendents), a major emphasis should be placed upon the candidate's understanding of people, his knowledge of the Indian community, and skill in developing qualities and characteristics of good citizenship among those with whom he works.

5. More Indians should be encouraged to prepare themselves for positions on the staff of the Indian affairs branch and in administrative posts on all levels of government.

6. Careful attention and encouragement should be given the possible extension of provincial and municipal services to and on behalf of Indians.

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any special comments to make to the committee on these points, before the questioning?

Dr. HATFIELD: The commentaries are in the main body of the brief. There may be some here who would like to hear a comment. However, we rather thought our function would be to be prepared to answer questions on these recommendations, or the material in the brief, if you wish it.

Mr. McQUILLAN: I think we should tell the gentlemen that as we have asked so many questions on some of these particular recommendations, I hope he does not think we are not interested if we do not ask questions on certain recommendations that have already been made to us many times before.

Mr. SMALL: The similarities in the different briefs we have received are, in some cases, quite apparent, and if we asked questions again, we would be threshing old straw. However, in regard to No. 2, do you think, yourself, that the Indians want that?

Dr. HATFIELD: Perhaps the Bishop Hives would answer your question.

The Right Rev. H. E. HIVES (*Bishop of Keewatin*): In many places they do not. However, over the past few years it is increasingly evident that Indians who formerly opposed the meaning of integration, because they felt it meant losing their complete identity—losing their Indian status and their right under the treaty—when it was shown to them that integration does not involve those matters, that it is the development of citizenship, with responsibilities, I believe their point of view greatly changed. I discovered this recently on a visit into an area where I had lived previously in Saskatchewan, where they had opposed so greatly the matter of integration, citizenship, and so on. They are beginning to understand more what we mean by integration and, I believe, have made strides forward in this direction. There is a long way to go yet, with many of our people.

I was discussing only yesterday with some of our people, who I did not realize had any thoughts about the Indian Act or the relationship between themselves and the rest of the people, and I discovered that they have not made any headway at all in this direction. Yet, surely that is the function of the church and its representatives, as well as the representatives of the government, to help these people to understand what are the responsibilities of citizenship so that they can go along with what we mean by integration.

I think that is all I want to say at the present time, Mr. Chairman.

The Joint CHAIRMAN (*Mr. Dorion*): Are there any questions?

Mr. SMALL: The reason I asked that question is because, sitting on this side of the table, and listening to the many briefs that have been presented, it seems to me that the Indians would return eventually to being Indians, and even the younger people will want to be Indians. In a sense, they do not want to be integrated, and they want to keep their own culture. In other words, they are going to be Indians, whether you like it or not; and this is the problem that concerns us.

Dr. HATFIELD: Mr. Latham would like to speak to this.

Mr. Carl LATHAM (*Social Worker, Anglican Church of Canada*): I think, throughout the past, their culture has been developing. However, a change is necessary and, of the various alternatives, perhaps integration would be more acceptable than some of the other alternatives. I think we must develop clearly that integration is something different from assimilation. I do not think we have done the interpretive job which has been necessary to gain acceptance on the part of the Indian people. They do appreciate that a change is necessary, and it is taking place.

Mr. SMALL: I think it is necessary to find out where the conflict in opinion occurs. There are those who adhere to the hereditary chiefs and those who have an elected form of chief. I think that is where a lot of the problems come from in regard to integration.

Mr. LATHAM: I believe that is true. It is taking place on the Six Nations reserve. There is this conflict. Nevertheless, there is a change taking place. There even has been a modification, throughout the years, in regard to the hereditary chiefs.

Mr. SMALL: Do you not think that education is a prime factor, and that it is necessary to take care of this before proceeding further? Is that your angle?

Rev. Canon A. H. DAVIS (*General Secretary, Missionary Society, Anglican Church of Canada*): That is how this is going to take place. It will take place through child and adult education.

The Right Rev. E. S. REED (*Bishop of Ottawa*): I think the case is not to be restricted to their education and in terms of schooling. The Indian should be allowed to take more responsibility in his community. This is part of the educational process, and an important one. Until this is developed, you cannot say they are being educated.

Mr. SMALL: I believe it came out for the first time yesterday that the education of the Indian is handicapped, to start off with, because in the case of the non-Indian child, the parent can assist him with his studies, whereas the Indian parent has not the education to be of any assistance to the Indian children. That is one reason they are so retarded. Adult education will have to be taken in hand, and it will be a continuing proposition.

Mr. LATHAM: Mr. Chairman, if we educate the Indian are we, in fact, leaving him as he is? Does not education have the function of preparing people to earn a living and live a better way of life. If we educate them we thereby change the culture.

Mr. SMALL: But the Indian does not want his culture changed.

Mr. LATHAM: But his social situation will change.

Mr. SMALL: I did not mean to infer that he would not become incorporated into our culture, but rather that he still wants to retain his culture, as something of which to be proud.

Canon DAVIS: It is not a good thing that he should be helped to retain his pride of race? However, in many parts of Canada he has very little of which to be proud. As they are depressed people, the young Indian does not really want to have it apparent that he is an Indian.



Mr. SMALL: In regard to what was mentioned in connection with education, they educate the Indian so he will gradually be absorbed into the non-Indian culture. However, as the members of this committee are from all parts of Canada, we have had widespread contact with the Indians. Invariably, the story comes out that no matter how well they have been educated, there is only a small percentage that integrates; they eventually go back to the tribal way of living. That is also apparent in the United States.

Bishop HIVES: Reference has been made to the contribution to the Canadian way of life, by various new Canadians who have come to Canada, and the fusion of their culture into Canadian life. I say there is no difference between the Indian people and say, the Ukrainian people, who have contributed a great deal to our Canadian life. They have entered into every field of our Canadian life; and yet their special contribution to the culture of Canada remains a Ukrainian unit. It never becomes ours. As I see it, it does not become ours.

We have our Anglo-Saxon contribution but it does not mix. For instance, we do not find ourselves partaking in the Ukrainian folk dances, or in anything like that; neither do we take part in Indian cultural procedures. Nevertheless, the Indian has something, and I think the only use we have made of it is to hold it up as a sort of a something out of the backwoods which is not fit to be brought into the full life of the Canadian picture. However, the culture is worth having, worth keeping, and worth bringing into our literature—stories of the old Indians understanding of the origins of life and so forth, told in interesting ways, and in interesting stories.

This culture does not become fused into Canadian life; it remains Indian, as the Ukrainian culture remains Ukrainian.

Hon. ELLEN FAIRCLOUGH (*Minister of Citizenship and Immigration*): Do you think, my lord, that possibly the fact there has been until fairly recently, and probably is still in certain parts of the country, an inclination to class the Indian culture as a pagan culture, puts it into a different class, in the minds of the rest of Canada, to that of the Ukrainians, the Roumanians, or any of the others? Do you think the one seems to fall into a different class because it is conceived to be of a different origin?

Bishop HIVES: Undoubtedly there is that thought, and in some parts you find that the whole background of the Indian life is based upon their old pagan life, and they have made no advances into our way of life. Even the response to our church work has not been effective amongst them.

Mrs. FAIRCLOUGH: I do not mean their culture is any less attractive because of that, but it is just the way in which it is viewed by Canadians generally.

Archbishop CLARK: An example of what I would think is a perfect way in which the Christian and the Indian concepts can be brought together, is the Christmas carol by Jean Breboul. In that, the pagan and Christian are brought together in a wonderful way.

In regard to whether the Indian is to be absorbed, are we all going to become reduced to the one level, and have all the races mixed up, until finally, we do not know which is Anglo-Saxon, French, Indian or Czechoslovakian. That is something we really have to let the Indian decide for himself. I would feel that the Indian may retain his identity within a free and fully integrated society. That is the general aim our church would feel is the right one for us to have.

Mr. SMALL: That is the reason I asked the question. It is the whole crux of it. Until we get that straightened out, there is not much use in going into the rest of it. I agree in regard to the culture. You are talking about the Ukrainian and other cultures which remain intact. They have experienced thousands of years of that; they have written and compiled it, and the Indian

has not had that opportunity. There is very little writing in regard to Indian culture, and there is very little, in the way of text books, on it. That is one of the things that is lacking in Canada. Integration of the Indian is a matter of retaining his culture, and keeping it on a solid and continuing basis. As soon as we get that cleared up, I think we will be on the road to solving the situation.

The JOINT CHAIRMAN (*Mr. Dorion*): Are there any further questions on these recommendations?

If not, would you proceed, Reverend Hatfield.

Dr. HATFIELD: The next subject matter is one of the areas in which our church has been very active and from which we have a very great concern. It concerns education.

As previously, I will go through the total section, and then we will be glad to make comments, or answer your questions.

### *Education*

1. It is strongly urged that there be an increase in the number of day schools where Indian children may attend and these schools should provide the same curricula advantages as other schools in the province or territory.

2. It is recommended that, in residential institutions, children from normal home backgrounds should not reside in the same institutions as ill-adjusted children. It is further recommended that facilities for those children requiring specialized help be increased.

This resolution may seem in appropriate but we are concerned that the children who have specialized needs should have adequate treatment facilities. In some cases that have been reported to us the fact that they were in residential institutions was interfering with the normal pattern of the others.

3. The trend to establish student hostels, as necessary, in or near communities should be continued.

4. It is urged that a more favourable ratio between supervising staff and pupils in residential institutions be established and that shorter working hours for the staff be inaugurated.

5. Parents should have the opportunity of participating in the cost of their child's maintenance at residential institutions.

In the brief, you will remember that we recognized that this contribution may not be great, but it is just the fact that some measure of contribution underlines the family unit and the responsibility of parents for the education of their children.

6. It is recommended that the possibility of establishing small homes under adequate supervision in large metropolitan areas for students be explored.

This is not with the thought of segregation, as the brief indicates, but because young people coming in from Indian communities often need some kind of extra support, which they would get by virtue of the fact they would be with folk with whom they could chat freely, and who had common backgrounds. However, we are very interested in the program whereby young people, coming in, are placed in selected homes—and this is particularly true of Indian students.

7. Greater care should be taken in the selection of homes for Indian students. Closer and sustained contact should be maintained by those responsible for the placement program with students and the homes in which they reside.

8. As many Indian children are unable to meet the academic standards required in vocational training 'terminal class-room' facilities should be increased.

9. It is urged that a program be instituted on the reserves to interpret to parents the benefits of their children's participation in apprenticeship and placement programs. Such programs should be expanded.

This is the follow-up of the basic educational program, and the parent should be helped to see the value of it.

10. It is suggested that more care should be taken in selecting teachers for positions in Indian schools and that orientation courses be conducted by the Indian Affairs branch for 'in-going' teaching personnel.

11. It is suggested that the Indian Affairs branch study the possibility of delegating its educational responsibility to the provinces wherever this is practicable.

This, of course, is in line with the suggestion that the Indians should have the advantage of the normal resources in the community, and thus become more a part of that community.

12. Where circumstances are favourable, Indian trustees should be appointed to assist local Indian Affairs branch officials in establishing school policy and practice.

13. It is recommended that the closing clause, "except by written direction of the parent", be removed from section 117 of the Indian Act.

14. It is urged that the adult education and guidance programs be further expanded and receive more widespread application.

The JOINT CHAIRMAN (Mr. Dorion): Are there any questions in connection with these paragraphs?

Senator FERGUSON: You are going a little too fast for me, I am sorry to see that we are skipping over administration so quickly. I would like to refer to the first section where I intended to ask in connection with section 4 of the recommendations just what qualifications you think the superintendents should have.

Do you think they should go as far as being social workers? Do you think they should have qualifications along that line, or do you think they should have some inservice training perhaps to qualify them?

Mr. LATHAM: As far as your question concerning social workers is concerned, there are a very limited number of social workers in Canada, and that would make this suggestion non-operable. Perhaps there should be a greater development in the regional staff, perhaps greater enlargement of the numbers of staff officers, who could be of greater assistance to the agency staff. But I think there has to be an intensified staff training program.

It is very difficult to get someone familiar with the locality of the agency. I think it is almost impossible to attract university graduates for many of these positions; and if they have the basic attitudes toward Indians that we would deem to be desirable, then a university education would not seem necessary.

Senator FERGUSON: I see.

Mr. SMALL: When that question was discussed at prior meetings the Indians seemed to take the view that they should have more of their own people administering them; and that is where the social worker could get into the picture, principally at the home and school club level, and places like that, to educate the parents. Then the matter of salaries came up, when it was said that the salary would not be commensurate with what they could get outside; in other words, it would be too low.

Senator FERGUSON: Would it be your opinion that the agent should be relieved of more of the routine administrative work so that he could devote more time to the sort of thing you speak of, and acquire more knowledge of the community skills, and the development of good citizenship? I do not think many of them have very much time to devote to that sort of procedure at the present time.



Mr. LATHAM: That is the trouble. If you enlarge the agency staff so that they may acquire new functions, it should be handled by the Indians themselves. So your agency staff needs greater responsibility for their own affairs. The superintendent perhaps should be a general administrator. Perhaps he should have greater knowledge of the community development process. This may be introduced through training or through in-service training.

Mr. SMALL: According to a deputation we heard from the Indians themselves, they wanted to run things themselves if possible without the white man's direction. They said that even with the very best of legislation it always ended up with the white man spending their money for them. This has been their complaint. They do not want too much of the outside world social attitude towards them. They want to carry on by themselves.

CANON DAVIS: We prepared our brief with the same idea, and we stress the point that there should be education for social service and so on, with a view to handing over more and more responsibility to the Indians. So if that is their view, it is also apparently the view of our people, and we illustrate it in various fields throughout the whole brief, as I see it.

Mr. LATHAM: Is this not linked up with our feeling that there should be a consequential relationship between administration and apprenticeship training within the department at the present time?

Mr. SMALL: You will find that this generally has been their comment all the way through. The department is doing it, but it has been gradual process, so that the Indians are probably asking for a crash program to bring it up to date quicker. I think that is what they are asking for.

The JOINT CHAIRMAN (*Mr. Dorion*): I would like for myself to have your comments on paragraph 11, concerning the possibility of delegating educational responsibility to the provinces wherever this is practicable.

CANON DAVIS: What we have in mind here is that education is a provincial responsibility, and while there are two points of view, that is, there are those who feel that we should probably have more uniformity in our educational program in Canada, nevertheless we feel that it is a fact that education is a provincial responsibility for non-Indian children. And if the federal government retains the responsibility for the educational program for the Indian children, you are fostering segregation along educational lines.

If the Indian feels that he belongs to the province of Manitoba or that he belongs to the province of Ontario, then he should have the same advantages. That is what the people say who direct the educational program for Manitoba children, and who also direct the educational program for the Indian children; and I think that is our point of view.

The JOINT CHAIRMAN (*Mr. Dorion*): There is no difficulty in respect to language, the Indian language, for example?

CANON DAVIS: I would not think so. I feel there should be educationists in Manitoba or Ontario who could cope with that problem every bit as effectively as the administrative person in Ottawa.

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any other questions on this point? Is the Indian language taught? I suppose your schools have some courses in the Indian language?

Canon DAVIS: The educational medium is English. I am one of those who feel that the various Indian languages should be preserved, because they give them pride of race. Perhaps the Indian should have the same instruction in his own language in the school, as well as in English. They could be bilingual.

Archbishop CLARK: At the present time they teach only in the English language, do they not?

Canon DAVIS: Yes.

Archbishop CLARK: I mean in English, or in French, as the case may be.

Mr. SMALL: Whatever the school system is in the province under the British North America Act, they have to follow it.

Archbishop CLARK: They do not use the Indian language very much in the schools.

Mr. SMALL: As a rule when the Indian child goes to school he already knows the Indian language pretty well, the same as the English child knows English and the French child knows French.

Canon DAVIS: There is very little Indian literature written in the Indian language which could be used as text books in the classroom. Therefore the Indian child will grow up with the feeling that his language is taboo, and that he is only a one-language person.

Mr. McQUILLAN: I realize, as everybody does, that there are hundreds of Indian languages, and that tribes living even within a few miles of each other cannot understand each other's Indian language. It would be almost impossible to have enough text books in the various Indian languages.

Canon DAVIS: There are various dialects, of course, but I think the rules of the language are basic.

Mr. McQUILLAN: I have noticed that Indians from one area have found it difficult to converse in the Indian language with Indians from another area, and that they have had to revert to English.

Mr. SMALL: It is my understanding that the missionaries compiled the language of a particular area and set it up in book form.

The JOINT CHAIRMAN (*Mr. Dorion*): The text books which are used now are the text books that the province uses for the other schools of the province.

Mr. SMALL: Yes.

Bishop HIVES: The instruction of Indian children is all done in English, although I presume there are some places where instruction is given in French; but apparently no instruction is given in the Indian language itself. There are difficulties even within one racial group. The Algonquin Indians are widespread across the whole Dominion, but an Algonquin Indian could not easily pass from one section of the country to the other without having language difficulty.

The Indian affairs department has followed a program in recent years of enlarging the time when the child may remain at school, thus giving him an opportunity to have some training in the Indian language, so that when the Indian child goes on to study a formal curriculum at school, he also is proficient in the English language as well. Where that can be done in the early years, preschool children could be given the same language study, so that they might mix very well with white people in their school study, and along with them. It does not become a problem, once you have overcome the language difficulty. But if it is allowed to persist throughout grades one, two, and three and up to grade four, without providing basic English understanding, you would have difficulty which would set the children back.

The JOINT CHAIRMAN (*Mr. Dorion*): Have you any idea of how many dialects are used by Canadian Indians or Indian Canadians?

Bishop HIVES: You mean how many different languages or dialects there are?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.

Bishop HIVES: No, I do not know. But I know there are five different dialects among the Cree Indians alone; and when a Cree Indian goes among the Ojibways into another racial group, the language is entirely different.

Mr. JORGENSEN: Surely this problem is not such a difficult one to solve. I am thinking of the Germans in my particular area, whose children go to school and obtain a knowledge of the English language, and have no difficulty in picking it up at all. So I do not see why Indian children should not do the same.

Mr. LATHAM: I think the problems would be somewhat different in that at least the children of parents coming from immigrants would be familiar with the main flow of European culture and European traditions, whereas Indian children are not. With regard to immigrants, most of them are familiar with the main flow of European culture and European traditions, whereas the Indian people are not. They are, as an indigenous population, unaccustomed to many of the objects and concepts in their daily lives, which immigrant children have. The process of changing language is different than learning new labels for the same things.

The JOINT CHAIRMAN (*Mr. Dorion*): Perhaps it should be one of the requirements of immigration to know a little of one, or both official languages of Canada. Have you any other questions?

Mr. SMALL: The problem of the Indians is just the same as it is in England. In certain sections of England they cannot understand people from certain other sections, so it is just the same with the Indians.

The JOINT CHAIRMAN (*Mr. Dorion*): Will you go on to the next chapter, please.

Archbishop CLARK: I think, Mr. Chairman, it might be wise to spend a moment on recommendation 13, on education, on page 2. It may look like a very drastic suggestion and in direct contradiction to the general trend of our brief that there should be more responsibility given to the Indian people themselves.

I think, if I can interpret the feeling of the delegation and of those who have made these strong representations for this to us, it is not with any desire to take from parents the responsibility of deciding what particular school their children should go to, in so far as they can under the law. But, rather, that this particular clause as given lends itself easily to abuse and to irresponsible decisions by parents for a temporary economic advantage, as they may think, which can be gained by changing from one school to another.

I think, again, that I am not misrepresenting our delegation; but I would suggest that their feeling is not simply that it is enough to delete this clause; but if there is something else which, if provided, would mean more care in the exercise of the responsibility by the parents in choosing the school, I think we would welcome that.

In other words, the objections that have been very strongly made to this clause as it is are because of the great abuses that sometimes develop in it. Therefore, we feel it simply does not work in that way yet. On the other hand, if some other means by which parental responsibility could be safeguarded could be introduced, I think it would be something we would welcome. I do not think I am misrepresenting the delegation in saying that. It is a rather radical suggestion.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you for your explanation.

Dr. HATFIELD: Mr. Chairman, the next section is on economic development and, as I have indicated, we feel, in considering the whole field, that the lack of economic opportunities for the Indian is one of the basic problems.

The recommendations are as follows. First:

It is recommended that self-supporting enterprises on the reserves be encouraged; that there be an expansion of projects designed to



develop the economy on some reserves, and that a study be made of actual and potential resources on the reserves. Also, those Indians who are willing and able to settle away from reserves should be assisted in so doing.

It sounds as if we are in conflict there; but actually we are saying that for those who wish to stay, their economy should be studied and explored for more adequate living; and for those who wish to move, they should be assisted.

It is recommended, also, as follows:

that the placement program be greatly expanded and that provision be made to include family groups as well as individuals.

Also continuing efforts should be made: (a) to search out and utilize employment opportunities for persons who are qualified, able and willing to use them; (b) to develop new opportunities in a wider range of job activities and to extend those available; (c) to train and develop the skills of Indians in order that an increasing number of work opportunities will be open to them especially those in more settled occupations.

3. As the Indian on and off the reserve is concerned about the restriction of credit, it is recommended that the whole system of loans for productive purposes and programs of self-help be examined. It is suggested that the federal Government make loans from sources other than the Indian trust funds available to carefully selected Indian farmers for the purchase of land and equipment off the reserve.

I think that in our brief we also added—"to those who would wish to advance their economic status in other occupations".

The JOINT CHAIRMAN (*Mr. Dorion*): Are there any questions on this chapter?

Canon DAVIS: Speaking of No. 1, Mr. Chairman, I think our thought is that much is being done and careful thought is being given to the education of Indians who will be encouraged to leave the reserve; but we wonder if the same amount of thought is being given to the philosophy of education for the Indians who do not wish, and never will wish, to leave the reserve because that is the little bit of security that they feel they have.

There are many of us who would like to see the Indian affairs branch, in the educational services, really think out clearly what is their philosophy of education for community development on reserves, because there will be Indians on reserves for many generations to come, it seems to me.

Are we educating the bright boys and girls to leave the reserves? What about the not-so-bright who will always cling to the reserves?

The JOINT CHAIRMAN (*Mr. Dorion*): Are there any questions?

Mr. SMALL: I think we have covered that pretty thoroughly in other meetings. There is something being done.

Mr. JORGENSEN: In the last part it is suggested that the federal government make loans from sources other than the Indian trust funds. Is it not true that they have a source of credit available to them?

Dr. HATFIELD: I believe this is right—we were talking about that last night as we were discussing this section—in certain specific circumstances. But we are recommending there an extension of this facility, and that we be prepared to take some extra risks, that people make a few mistakes. This is the way to become independent and develop initiative. It may be expensive; but this is, we hope, the trend for the future.

Mr. JORGENSEN: I was wondering if the present Farm Credit Act would suit that purpose, if it was extended to those Indians who wish to purchase land and equipment off the reserve.

Dr. HATFIELD: I wonder if there is anyone who knows about that. I am afraid I do not know about that.

Senator FERGUSON: Could not Colonel Jones tell us something about this?

Colonel H. M. JONES (*Director of Indian Affairs, Department of Citizenship and Immigration*): An Indian off a reserve is entitled to the benefits of all legislation, that I am aware of. Is that the question?

Mr. JORGENSEN: Yes, this is essentially the question.

Mr. JONES: Yes, off the reserve.

Bishop REED: This refers to on and off the reserve.

Mr. JONES: Some of the federal and provincial economic legislation that exists for other groups does not apply to Indians because, generally, section 88 of the Indian act gives to the Indian security of tenure which does not lend itself to obtaining loans from banks and lending institutions. Our organization, so far, has not got into too many activities off the reserves. We think the Indians should take advantage of all the facilities available.

Mr. CHARLTON: What is the fund available now for these loans on reservations to Indian people?

Mr. JONES: The revolving fund.

Mr. CHARLTON: How much is that revolving fund lending?

Mr. JONES: \$1 million.

Canon DAVIS: Our concern is that it is often the reserve where we feel such an investment study should be given to help the credit of the Indian. He has no collateral to put up, for the most part.

Mr. JORGENSEN: In that event, the farm credit act would be available to Indians off the reserve.

Canon DAVIS: Yes, but how many of them are aware of the fact?

Mr. JORGENSEN: I do not know how many are aware of the fact at the present time. It is a relatively new act and, in fact, just went into operation this spring.

Mr. SMALL: I might say this part of the paragraph applies to the white man too, and they are concerned over the restriction of credit too.

Dr. HATFIELD: We are interested in helping the native people in the interim period as they move from the reserve to the normal community, and they need extra supports to enable them to become part of the industrial community and take their part in the business world and in remunerative occupations.

Mr. STEFANSON: On this point of credit, this has been brought up in several of the other briefs, and I am sure this is of great importance to the Indian, especially those who are not living in reserves; and this is a matter which will receive serious consideration by this committee.

Bishop HIVES: In other briefs that have been presented, some of these matters have been brought up. Have you run into the difficulty that the one thing that is almost a point beyond which you cannot go is the lack of a sense of responsibility on the part of the Indian? Have you come across that at all?

Mr. SMALL: That has been general.

Bishop HIVES: Is that the difficulty? For instance I know the Indian would like to have credit, but if he is not willing to show fully the responsibility of repayment, but simply looks to the department to repay it, or to supply him, without any responsibility on his part—is that a difficulty in many of the problems that are facing us now?

The JOINT CHAIRMAN (*Mr. Dorion*): I would like to have the opinion of Colonel Jones.

Mr. SMALL: That is general.

Mr. JONES: I think Bishop Hives made a very good point. You have the position where you get something as a right, or you go beyond that, to a sense of responsibility, as against getting something the department should provide. That has been fairly general.

Bishop HIVES: I have felt that a great deal in dealing with the people. That seems to be our task, in some way to strengthen this sense of responsibility, even in integration and citizenship. That is what makes citizenship a worth while possession, the sense of responsibility that goes with it.

Mr. CHARLTON: I think what is being suggested is that the department should go further to help Indians when they leave the reservations. This is a matter of administrative responsibility, and administrative difficulties, because when they leave the reservation and take enfranchisement they are no longer under the Department of Indian Affairs, and they become true Canadians, being eligible for all the good things we as Canadians have.

Bishop HIVES: I wanted to bring out the fact that we all realize how much there is to do in this way of bringing the Indian along the road, to give him a sense of responsibility.

Mr. CHARLTON: To help him become a citizen?

Bishop HIVES: Yes, to have the quality of citizenship.

Canon DAVIS: In this connection, in this concept of a welfare state, perhaps we are reaching the stage where we need an interim department, and once they leave the reserves we need a ten-year department that will nurture them until they become responsible Canadians.

Dr. HATFIELD: There is an extension of this in the welfare program, of their being helped into the community life of the reserve.

Mr. CHARLTON: Placement in jobs?

Dr. HATFIELD: Yes, and young people coming in, and so on.

Mr. JONES: Our placement program is designed to encourage and to seek out employment for carefully selected Indians, as well as to establish in the minds of the employers the worthwhile contribution the Indians can make.

If I may say this, Mr. Chairman, I feel that as our educational program continues there will be more and more educated Indians leaving the reserves as well as a nucleus of educated Indians that want to stay on the reserves. I do not think our program will ever drain away all the brains from the reserves. There will be a good nucleus who will wish to remain on the reserves, who would give the leadership that is necessary; but there will be a continuing group of younger well-educated people who will take advantage of the economic legislation available to everybody off reserves.

Mr. SMALL: Is not most of the trouble the problem of the Indians' lack of value of money; they do not know the value of money? They have not been taught about it or instructed in it.

Senator FERGUSON: In our present placement program is there any follow-up work after the Indian has been placed in a position, or are they finished when they have been found a position?

Mr. JONES: We attempt, to the best of our ability, to keep in touch with them. So far our program has been based on quality and not quantity. We felt, in the first year, if we could place, say, 200 Indians across Canada it would be much better than placing a thousand and having a lot of them going back to the reserves, disgusted with a haphazard program. We have approached it very slowly, and the record has been very successful, because we were looking for quality rather than a lot of statistics which would backfire on us.

Senator FERGUSON: You follow up to see how they are getting along?



Mr. JONES: Yes. We find that maybe the employer was not too reasonable, and we have had to do a little missionary work there. On the other hand, the Indian may not be facing up to his responsibility.

Mr. LATHAM: Along the same lines as Colonel Jones was mentioning, I did study the placement program in Toronto during its early stages, and there was some very impressive work done, and I expect this to continue.

Mr. GUNDLOCK: Mr. Chairman, a while ago a statement was made to the effect that we were doing something for the bright student who left the reserve, and not for the less bright student that stayed on the reserve. I think a lot of this trouble would be ironed-out if the bright student who stays on the reserve were considered. I think that would answer some of our problems—not the less bright, but the bright—such as teachers and everything else on the reserve. I think that is what must be kept in mind.

Mr. HENDERSON: I would like to say a few words. I have been on the Indian committee since I came into Parliament, which has been for the last three sessions. The thing I find that is wrong is, we group all the Indians as Indians. Now, there is as much difference as daylight and dark between the different tribes of Indians. I will give you an illustration. We have had the Mohawks here, smart, brilliant young fellows who know all about the world and have been around. Then, again, we have Indians on the Blood reserve, and we have had them here. They are good farmers, they are going ahead and are real, good fellows. I come out of the north, and we have two or three tribes of Indians. They do not know what this is all about, they do not care, and they are not interested. As long as the government keeps feeding them, why, they are going to stay there. Then, out at Portage la Prairie, we have a group of Indians living alongside the road under the most dejected conditions. Well, it is terrible, the way they are living. There are the Sioux Indians, who were slaves for the Bloods. They do not want to be helped. I was talking to Dr. Fairchild the other day, and he says the Sioux Indians are different, and what are you going to do with them. They are no comparison with the Mohawks and these Indians around Brantford. Then, there are the Dogrib Indians up in northern British Columbia, and they do not want to be helped. I think we are taking in too much country all the time. We should have different policies for different Indians.

Bishop REED: Well, there are English Canadians, Irish Canadians, and many other kinds of Canadians who also differ in their standards, but we extend privileges to them all.

Dr. HATFIELD: Mr. Chairman, we have tried to recognize clearly in the brief the point which Mr. Henderson has made. We have tried to talk about the complexity and the differences across Canada. We have emphasized that one of the great solutions, in this regard, is to have a maximum of flexibility and of decentralization of administrative authority. Just as long as the welfare of the individual and the family is preserved, and as long as it does not interfere unduly with the efficiency of administration, we would like to see as much flexibility as possible so there could be adaptation to different situations in the Canadian scene. That is in the brief, and we have tried to underline it.

Mr. BALDWIN: We have had a lot of suggestions along this line, and I think even some of the Indians, along with the other submissions that have been made, have, I think, well emphasized and underlined the necessity of this degree of flexibility. One of the difficulties is that there has been coupled with that a complaint that there is too much authority left in the hands of the Indian affairs department. That complaint has been made. Now, if you have flexibility, it means you have to leave a reservoir of authority and ability in order to make changes, when required—and that means you cannot write an Indian Act, or

revise it, without putting in the act sections or paragraphs which give a certain legal scope to persons administering it. These points conflict. I notice these two things have cropped up in the discussions quite frequently.

Archbishop CLARK: It is difficult to see how it could be provided by legislation. The great thing, in that area or reservoir of authority, of which you spoke, would be that the band itself would be given more power. Naturally, they will make mistakes, the same as agency superintendents do. I feel that one great thing—and you cannot put this into an act—is that it depends a great deal upon the character of your local agencies. From my experience, I think that is one of the biggest administrative problems with which the Indian affairs department has to deal—not simply in skills, but also in regard to the character of your superintendents, and so on. You will realize, I hope, that I am merely stating the concern, and making no suggestion how it can be provided for by legislation. If a band could begin to have some of that reservoir of authority, concerning the local situation, it would provide a way for them to learn about responsibility. They will make mistakes; who doesn't? I think all our people would feel that if there is going to be greater responsibility and flexibility, some of it should go to the Indians.

Mr. BALDWIN: I am glad you said that. I did not make what I said as a statement, but to invite your suggestion—and your suggestion is one that appeals to me.

Mr. BREWIN: May I comment on this? Although this is running ahead of the point we have reached in the brief, we do suggest there are forms of paternalism written into the act which could be taken out.

We appreciate what has been said about the variety of conditions that are being dealt with. You cannot suddenly take away the control, but there are whole sections where you could start a gradual process of withdrawing some of the paternalism that is embodied in the act.

I notice sections dealing with the administration of estates, and so on. There may be some incompetent people, and there may be some features which have to be retained because of special problems of land tenure, and so on. However, if you could look over the act and cut out, where possible, the paternalistic features that are in some of them, it would be very helpful.

Mr. BALDWIN: They have been the subject of very strong recommendations.

Mr. SMALL: It is gratifying to learn that the Indians themselves have come up with a similar view. There is the suggestion that they want the restrictions and the controls taken off the handling of the money by the department. That, in itself, shows the merging of the Indian into the status of competence, because he is asking for these things now. However, this could not be given to them before, and even now it all cannot be, because of the lack of money.

Everyone comes in and says they want more money. One delegation stated they wanted the chiefs to be paid—and you know what kind of a schlemozzle that would be. There are hereditary chiefs and elected chiefs, and who would be entitled to it? The Indians would get wise to that, and make everybody on the reserve a chief, and you would have no brains. They always want more money, and want more control. However, the fact they are asking for it shows they are getting to the point where they can handle it. That is a gratifying thing.

The JOINT CHAIRMAN (Mr. Dorion): If there are no further questions on economic development, we will proceed to social services.

Dr. Hatfield, will you proceed.

*Social Services*

Dr. HATFIELD:

1. Indians should have the same health and welfare benefits as other Canadians and should be informed as to the quality or quantity of services to which they are entitled. There should also be provision for a right to appeal in the event of controversy.

2. It is suggested that as there is a continuing need for an income maintenance program, that this service should be provided in such a way so as not to encourage dependency. Further, it should be closely linked with training or re-training and rehabilitation.

3. Continuing efforts should be made to enable Indians to participate in provincial welfare programs, e.g. child welfare, public assistance and all rehabilitative services. Such programs administered by the Indian affairs branch should be structured in such a way as to facilitate their transfer to appropriate provincial or municipal authorities providing services to non-Indians.

4. It is recommended that in a public assistance program, band councils should take comparable responsibilities to those assumed by municipalities, as funds permit.

5. Further delegations of responsibility and authority to band councils should be considered carefully and made only after appropriate controls have been established to ensure that persons in need are guaranteed adequate assistance.

This was the kind of thing about which we were talking.

6. Every effort should be made to strengthen family life in Indian as well as in non-Indian communities and appropriate services to prevent or alleviate breakdown should be provided, e.g. family counselling services.

7. It is recommended that until the Indian who leaves the reserve and enters a non-Indian community qualifies for services, the federal government should assume responsibility for such services as are necessary and that wherever possible, facilities existing in the non-Indian community should be used.

That would be the federal government providing services, if necessary, in the interim period, before eligibility is established.

8. It is essential that the present housing program not only be continued but extended and that, wherever possible, the Indian be expected to make a maximum contribution towards the cost of the dwellings.

Also it is suggested that Indians who are leaving the reserve, should receive assistance from the Indian affairs branch in securing adequate housing during the initial period of transition.

9. Greater efforts be made to keep those who have broken the law out of correctional institutions by more adequate rehabilitative programs in the community, and treatment and rehabilitation should be the major emphasis for those who are incarcerated.

The JOINT CHAIRMAN (Mr. Dorion): Are there any questions on these sections, ladies and gentlemen?

Mr. SMALL: I could make a comment in connection with paragraph 6—that every effort should be made to strengthen family life in Indian as well as in non-Indian communities, and say if they become proficient in the first part, they should go into the non-Indian section and do that work as well.



The JOINT CHAIRMAN (*Mr. Dorion*): Could we start at the first and continue on down through. Does that mean all the questions on paragraphs 1, 2, 3, 4 and 5 have been completed?

Senator FERGUSON: Under paragraph 4, I would like to know whether the band councils really want to take responsibility comparable to those assumed by a municipality?

Mr. LATHAM: Well, at the present time, band councils are taking the responsibility, in many instances, in administering to the needy. Although they assume responsibility for meeting certain needs in regard to relief assistance, they do not assume responsibility for certain other needs, such as juvenile delinquency or children's aid society services in Ontario. Therefore, if they fail to accept the responsibility, they are costing the Canadian taxpayer money. In Ontario, a person in need comes under provincial legislation and receives assistance, under certain conditions. There is nothing comparable, as far as Indian affairs is concerned.

Senator FERGUSON: Do you think the Indian band councils want to take on more responsibility, comparable to what municipal councils have? It seems to me we have some evidence that some of them are not too anxious to do this.

Senator INMAN: We had one delegation here who, when they were asked if they would like to do it, said no.

Senator FERGUSON: I would like to know what your experience and ideas are.

Mr. LATHAM: A number of band councils are anxious to assume greater responsibility in the management of their funds. It is a question of whether they would like to take responsibility for providing certain services. We have encountered this similar situation in Ontario with non-Indian municipalities, which want to evade their responsibility. However, I think Indian band councils are going to have to be encouraged to accept responsibilities.

Senator FERGUSON: You think that when they are educated to what it really means, they will decide they want to do it?

Mr. BALDWIN: If there was more participation on a lower or grass roots level, there is less likelihood of their being abuse.

Mr. LATHAM: I am not convinced of this. We find that many band councils are becoming quite niggardly in lending assistance to people in need. The Indian affairs branch staff have been more generous, I believe, in providing relief assistance than many band councils.

Mr. BALDWIN: There will have to be a gradual introduction of the principle of local responsibility.

BISHOP HIVES: I think one of our responsibilities is to develop this need. The question was asked as to whether they wanted to accept these responsibilities. Too frequently, it is just that point. They do not want to accept the responsibility, but they have not shared the responsibility and do not know what is involved in the answers to problems that exist. If they shared the responsibility and saw what faces those who have to make such provisions, they would learn a great deal. Again, it is a problem of educating the adult members. For instance, if the chiefs are to be paid, why should it not be the responsibility of the band to pay the chief, rather than to simply come back on the government and say: let the government do it. I think if they want a paid chief, they should have that responsibility, and it should be put squarely on their shoulders. Then they would know something of the responsibility that goes along, not only with being chief, but in supporting the various services, school boards, school teachers, and all the rest. In that way they will understand what really makes things tick in the services which they have.

I have often wondered as to whether the Indians themselves understand what their treaty rights are. They obviously think that all these things are guaranteed to them in their treaties. I was going to raise this question a little later, as it does not belong here, but it is in regard to the Indian's right.

Mr. SMALL: There are just as many interpretations as there are tribes and bands that have a treaty. They all have a different interpretation of it.

The JOINT CHAIRMAN (Mr. Dorion): Are there any further questions on this item?

Mr. BREWIN: May I make a comment in connection with paragraph 9—and it is partly a question. This has not been fully expanded—that greater effort be made to keep those who have broken the law out of correctional institutions—and so on.

I wonder if, in the course of this work, the department has some means of finding out those of Indian origin who come into our regular police courts, and if they could take some steps to give special attention to their problems because, certainly in many of the police courts in the larger cities, there is a great flow of people. The whole set-up is not very adequate but, it seems to me, there is a case for special attention to be given to those who come from an Indian background, because they have special problems and, sometimes, a special reason for being where they are—caught up in a police court. I wonder if there is some form of service or follow-up that would enable the department to check on these people of Indian background who, perhaps, come from the reserve, get employment, get out of employment, and then find themselves ending up in police court, without anything more than the ordinary inadequate forms of legal aid and rehabilitation services which exist in many of our courts. It seems to me it would be a constructive suggestion, if nothing is being done in respect of it.

The JOINT CHAIRMAN (Mr. Dorion): I would ask Colonel Jones to comment on this.

Mr. JONES: Well, this is a very important point, Mr. Chairman.

Of course, administration of justice is a provincial responsibility. We work very closely with the John Howard and Elizabeth Fry societies. Many meetings were held to see what we could do, as a federal branch, in regard to the rehabilitation programs. It is not easy. We have no proper statistics because a lot of people are classified as Indians and are not Indians, as we know them and are not registered under the Indian Act. However, we stand ready, within reasonable circumstances, to supplement any provincial form of training program, because of a special need of the Indian. We do recognize the problem and, as I said, we are ready to assist, because of his Indian background, his culture, or his difficulty in adjusting to our society.

Mr. BREWIN: I have one more comment. I am wondering whether it might not be possible to not wait until after the people have been dealt with, but some way of early reference before, perhaps, the case has been disposed of. A great many people in the magistrate courts have no legal assistance whatever—nobody to discuss their background, or to give them a sense that there is some friend on their side. If there was some way of the department of Indian affairs could have somebody there, to take a special interest in the Indian who had got caught up in the law, even before the process of conviction, and so on, has gone on, I am sure it would be very helpful, if it is possible. I am not saying it is possible; I just suggest that.

The JOINT CHAIRMAN (Mr. Dorion): Could we go on with the next chapter?

Dr. HATFIELD: The next section has been pretty well covered. However, there are some aspects still and, for the record, we shall now introduce our recommendations under the heading of "citizenship".

*Citizenship*

1. All the responsibilities, rights and expectations inherent in full Canadian citizenship should be shared by persons of legal Indian status, except such as may be inconsistent with those obligations inherent in the treaties and reserve system.

2. Every opportunity to develop democratic processes within band councils should be encouraged, while still maintaining the strengths of family and community life.

3. It is urged that the federal vote be granted to all Indians residing on reserves without prejudice to their status.

Of course, this is already in effect. However, this was written before the legislation was introduced. This brief was prepared last year.

4. It is suggested that the Indian Act provide for the functioning of band councils along similar lines to those followed by municipal governments in adjacent areas, and as band councils become competent, for the raising of funds to finance local projects and improvements.

5. We recommend that section 112, subsection 1, Indian Act 1956 revision, be revised to eliminate the compulsory enfranchisement provision

6. We urge that the Indian Act be reviewed with a view to the possible curtailment of the wide discretionary powers of the minister so as to place the Indian in a comparable position to that of any other Canadian. It is further urged that the right of appeal from decisions of the minister or conferred by section 47 of the act be extended to all decisions of the minister or governor in council and that the appeal, instead of being to the exchequer court, be to appropriate courts or tribunals accessible to the Indians affected. It is also suggested that an Indian involved in a serious legal matter, if not financially independent, be provided with legal advice and representation.

7. The extension of community development and citizenship training program is urged.

The JOINT CHAIRMAN (Mr. Dorion): Are there any questions on these paragraphs?

Dr. HATFIELD: Some of our delegation may wish to speak on these.

BISHOP HIVES: I think I have said what I intended to say in regard to another part.

Mr. BALDWIN: In the latter part of paragraph 6, you have stated something about which I feel very strongly.

It is also suggested that an Indian involved in a serious legal matter, if not financially independent, be provided with legal advice and representation.

Do you mean civil and criminal?

Mr. BREWIN: I suppose we do, yes.

In many provinces, there are various forms of legal aid made available, but usually in the larger cities. We think, perhaps, there is a case for making legal aid available—some sort of legal clinics, or something like that, where a young lawyer could gain experience in this field, and would be paid something to attend, and be available to give legal advice. We have that sort of thing in some of our larger cities, but we think it could probably be extended.

This is a very general provision, but we think it would be very useful because, in this way, they would have someone in whom they could have confidence, someone who knows their rights and could tell them about it, without any undue expense or possible exploitation in having to go into a city or town to get advice from someone who is not especially interested in their problems.



Certainly, a serious legal matter may well be a civil matter as well as a criminal charge.

The JOINT CHAIRMAN (*Mr. Dorion*): I am sure those recommendations were suggested by a lawyer.

Mr. BREWIN: I do not know. There are lawyers and lawyers. Some lawyers do not always see eye to eye about all these things. Speaking as a lawyer myself, I think the suggestion is a very good one.

Mr. CHARLTON: I would like to draw the witness' attention to paragraph 5, where you say—we recommend that section 112, subsection 1, Indian Act 1956 revision, be revised to eliminate the compulsory enfranchisement provision. The minister has already given her assurance that that will be done.

Mr. BREWIN: I do not know if I might comment on this question of appeal.

There is a provision in the act, under section 47, for appeal to the exchequer court. I would like if someone could tell me whether the exchequer court has often had to deal with these appeals. An appeal to a court in Ottawa is a very difficult procedure, and one which is highly expensive. I doubt if it would have a great deal of practical utility. If the Indians have rights, upon which they wish to appeal, it seems to me that it would make sense to say that the appeal should not have to come from northern British Columbia to the exchequer court in Ottawa. I do know this court sits in various parts of Canada, being a dominion court, but it is relatively inaccessible, as well as expensive, and that is the reason for our suggestion that the appeal be to tribunals which are closer at hand and more accessible.

The JOINT CHAIRMAN (*Mr. Dorion*): Do any other members of the delegation wish to add something to the comments already made?

Mr. LATHAM: With reference to section 4, in some provinces, municipal officers are elected for a period of three years rather than two years. It might be desirable to make provision for band councils in the provinces where this practice is in effect so they can be elected along a similar basis.

The JOINT CHAIRMAN (*Mr. Dorion*): Are there any further questions?

Gentlemen, I thank you very much for coming here. Do you have anything further you would like to say?

Archbishop CLARK: I do not think there is any need for me to say very much, except to thank the committee for its gracious reception of our brief. I would like to emphasize the fact that obviously this brief was not presented with a feeling that here are certain cut and dried things which you must do. Our purpose is rather to express our concern and make general suggestions. It is obvious that this committee feels the same concern we do that the Indian should stand as a free person among the community, and not lose his identity as an Indian, unless he wants to, and that his future within the Canadian nation should be something which is very much his own concern, and his own decision, so long as he is granted the same rights of citizenship and in the end accepts the same responsibilities as other racial origins do. It is out of our love and concern for the Indian people that we have presented this brief. I do not know of anyone in our church who has worked with them who has not come out with a great love for them.

The JOINT CHAIRMAN (*Mr. Dorion*): On behalf of the committee, may I say that we are very happy to have had you with us today. Every member of this committee, I am sure, is proud to have had your help in the task which has been assigned to us. Thank you very much.

Mr. JONES: Might I have one word. I would like to have on record recognition of a former employee of the Indian affairs branch, Mr. Carl Latham, who much against my wishes to do so left my service—if I may use the first person—for greater things. I hope some day he will come back to our Indian affairs branch.

The JOINT CHAIRMAN (*Mr. Dorion*): Mr. Latham, you do not have to say why you left.

Mr. LATHAM: I might say I am planning to return.

The JOINT CHAIRMAN (*Mr. Dorion*): Before we adjourn I would like to advise you that at 3.30 this afternoon we will have the cooperative union of Canada. I believe you have copies of the brief.

## AFTERNOON SESSION

THURSDAY, June 2, 1960.

The JOINT CHAIRMAN (*Mr. Dorion*): Ladies and gentlemen, I believe we now have a quorum. Hon. minister, Mr. co-chairman, and members of the committee: we have the advantage this afternoon to have with us representatives of the Co-operative Union of Canada in the person of their president, Mr. R. S. Staples, and their national secretary, Dr. A. F. Laidlaw.

I believe that everybody has before him a copy of the brief we received this afternoon. I would like to have you agree, Mr. president, to give us first of all a little information about the nature of your movement, after which you may go on with your brief.

Mr. R. S. STAPLES (*President, The Co-operative Union of Canada*): Thank you very much, Mr. Chairman. We are very grateful for the opportunity to come here and present the point of view of the co-operative movement, as representatives of the Co-operative Union of Canada.

The Co-operative Union of Canada is quite an old organization as co-operatives go in Canada. It was begun in 1909, and it is now in the nature of a federation of provincial co-operative unions; it is in these provincial co-operative unions that the co-operatives, of their many types, find their membership. Their membership is a constituent membership through the provincial co-operative unions.

In the membership of the provincial co-operative unions there is to be found almost any type of co-operative you can imagine. The backbone of the co-operative movement in Canada is the farm co-op, both marketing and purchasing; and also there are co-operatives in the fields of consumer stores, housing credit, insurance,—it is a long, long list.

The JOINT CHAIRMAN (*Mr. Dorion*): I suppose you have a federal charter?

Mr. STAPLES: Yes. We are incorporated under part II of the Dominion Companies Act. But we do not represent the French speaking co-operatives in Canada. There is a parallel organization, a sister organization, called Le Conseil Canadien de la Coopération, which has its headquarters in the city of Quebec. It is a federation of provincial French speaking co-operative unions, and we work very closely with that organization. The relationship between the two organizations just could not be any better. But on this occasion we are not speaking for the Le Conseil Canadien de la Coopération.

The JOINT CHAIRMAN (*Mr. Dorion*): Would you kindly indicate to us the page numbers of your brief?

Mr. STAPLES: This brief is really in three parts, although we did not mark it that way. Up to page 21 comprises the main body of the brief; and with your permission I would like to read most of that section. Perhaps I will hand over the reading to Dr. Laidlaw half way through.

From page 21 to page 30, there are footnotes and references supporting the evidence. The ideas in the brief are not our own. And from page 31 to the end of the brief we take time to try to elaborate on the idea we are presenting to you

and to show how we think it might work in certain circumstances and areas. We do not intend to read that part, unless some of the questions of members of the committee lead us into it.

At one time we had thought of presenting a longer brief, but we decided to do it this way instead. Mr. Chairman, if I might say so, we have the solution to the Indian problem in Canada in this book.

That is a very wide claim to make, and it would be more accurate to put it a little differently perhaps, because social problems have no "solution". There is no pat answer to social problems; but this book does set forth the direction in which it is necessary to move in order to find an answer.

One can only make that statement, without being merely boastful, because the ideas here are not by any means original with us. We have gathered up this concept of a community development programme from many authorities all over the world, and we have put it together and pointed it up and focussed it on the Indian problem in Canada in 1960. We have a great deal of confidence in the result.

As you will see from the quotations and references, there is very strong support for this point; and if we had had it available at the time, we would have included in this brief a quotation from Prime Minister Nehru who said in New Delhi, in November last, that the communities of India have a need for three types of secular organization: first, the school; second, the co-operative; and third, the village council; that this is to be the basis of the village economy in India.

We would have included that quotation if it had been available at the time. But I only bring in Prime Minister Nehru to support my sweeping statement that we have the answer here.

I do not intend to read the first two or three pages. The first section is the introduction. The second is "what is a co-operative?" But I think all the committee members probably know what a co-operative is. And I was not going to read section three which discusses the co-operative movement from a non-statistical point of view. So I shall start to read at the top of page 4.

I want to point out that first of all the co-operative movement of Canada, unlike many other countries, is not dependent on the government, except for an environment in which cooperatives might live and grow,—of course, a legal environment. And secondly I would point out that the co-operative movement in Canada is very strictly non-partisan, and it always has been that, as we represent it.

Now I start to read section 4 on page 4 of my brief, as follows:

#### 4. *The objective*

The objective we have in mind for the Canadian Indian is no different from the objective for other Canadians, or any members of the human race for that matter. The objective is to place the Indian in position to determine the kind of life he wants to live, and to give him the opportunity to live in a fully satisfying, rewarding and constructive way.

The communities in which the Canadian Indian of the future will live will be very like the communities in which other Canadians live. There will be homes and streets, schools and churches, stores and factories. There will be responsible local government and, we hope, voluntary associations. But the communities the Indian will establish will differ from other communities in some ways. The differences are not easy to foresee for they will reflect the distinctive characteristics of the Indian race, characteristics which are not easy to describe and which are not the same throughout all parts of Canada.

The culture of a people is constantly changing, and the Indian has a contribution to make to the Canadian culture as it unfolds. The lives of all will be richer and broader if the Canadian Indian is in position to play the role



which only he can play. It would be a bad thing for the Indian and a bad thing for Canada if his race were to disappear. It is quite possible that in the long run, in the course of a few hundred years perhaps, racial distinctions will diminish all over the world, and this will be a good thing too; but for majorities to seek to bring this about through conscious policy is not only stupid, for such efforts will fail, but it is also immoral and inhuman.

The Canadian Indian has his own life to live and his own contribution to make, and we should help him to express himself in his own way. The white man's ways and the white man's concepts are not necessarily superior in all respects. It is perhaps not surprising that the Indian has been slow to accept responsibility and to adopt new ways, even though it often appeared to be in his interest to do so, when he suspected, too often rightly, that his culture was considered expendable.

#### 5. *Our thesis*

Progress toward this objective can best be made by placing every possible opportunity for self-help and wider experience before the Indian people and encouraging them to take advantage of these opportunities. Every effort should be made to place Canadians of Indian ancestry in position to live challenging and creative lives, satisfying to them, and to provide the opportunity for development and growth in ways desired by the Indians themselves as their capabilities increase. Developing self-reliance and maturity in them will require the greatest possible opportunity for taking part in all activities of modern life. Since the individual is such a small unit, economically speaking, participation in co-operative societies for marketing, purchasing, financing and, under some circumstances, for production also, within a broad community program, offers one of the best means for self-improvement.

We do not wish to be misunderstood on this point. We are not saying that credit unions and other cooperatives are a magical solution to the Indian problem. Cooperatives have a special part to play, but it is necessary to see them in proper perspective. To illustrate we shall refer to one possible situation. Cooperatives cannot solve the economic problem for a band of Indians living in a part of the country where there are wholly inadequate natural resources and no opportunity for industrial employment. Even in such an environment it may be wise to organize cooperatives for their educational benefit, for the leadership training they bring, and for the solidarity they help to create; but a cooperative carries no magic, and it cannot provide a proper standard of living where the necessary resources do not exist. (In such areas the need for a survey of economic resources is clearly indicated, but this too should be undertaken in close consultation with the Indians.)

#### 6. *The task*

In order to attain the objective we have described, it is necessary to keep the history of the Indian in mind. Each of us humans is the product of the past, and the past for the Indian in recent generations has not been good—perhaps more important from a psychological standpoint, it has not been of his own choosing. We should not be surprised if we find the Indian suffering from a misconception of the attitude of the society which has grown up around him. These misconceptions are a legacy of the past and they must be corrected. The sense of frustration and resentment, understandable under the circumstances, must be balanced and placed in proper proportion through enlightenment and education. The Indians of this country, living as wards of the government of Canada, have not had the opportunity to develop those qualities that are usually associated with responsible citizenship, and this should now be counteracted by having them form and participate in democratic institutions that tend to develop self-discipline and responsibility in people.

Cooperatives have long been recognized for their value in this respect. A UNESCO study gives us expert opinion on this point: "Experience has shown that among backward populations co-operative societies simply through their working, and independently of their economic results, have contributed to the intellectual, moral and civic training of their members. The very characteristics which are required for successful living in the modern world are the characteristics which a self-help program can be expected to develop.

Let us take one example in support of this contention. The white man tends to be impatient with the Indian for being lackadaisical and unpunctual. But in this as in other matters the Indian's background has been so different—the sun and the moon and the changing seasons were all the clocks he needed. To urge him to keep appointments is to urge him, as he sees it perhaps in his subconscious mind, to adopt the white man's ways. But when he is involved in some business or purposeful enterprise with his neighbours, an understanding of the importance of time will gradually grow on him, as it developed for us and for the same reasons; and developed in this way it becomes a part of his life and a part of his understanding. The reasons become his reasons, not the white man's reasons, and as such they have meaning for him and are acceptable.

#### *7. Reasons in support of thesis*

(a) **Cooperatives develop the capabilities of people.** No one can be an active member of a cooperative without gaining valuable experience in democratic procedures and business methods. This should be particularly helpful to the Canadian Indian, for he does not find it easy to become a part of the modern industrial economy. His contact with the business world in cooperatives would be through the group. The risk of failure and ridicule or loss of status would be pooled, so to speak. Over some time the confidence he would gain in this way would go far towards placing him in a position to play a full part in modern life.

A fundamental principle of the cooperative method is that people learn by doing. A moment's reflection will convince any of us that the tasks we know how to do were mastered by experience; conversely we have little confidence in our ability to do a certain job the first time we try. Each child must learn to walk by his own effort. A person can learn to ride a bicycle or drive a car only by actually doing it. The same principles hold true in both business and community effort.

Experience is necessary. If people have little or no opportunity to gain experience (and this applies to Indians as well as any others), they can never learn how to take responsibility for providing themselves with the things they need. Becoming a member and taking part in a cooperative could provide the Indian with an immediate practical introduction to our economy and the experience so badly needed in building better communities.

As one specific example, we could mention the credit union as a type of cooperative which from an educational as well as a practical standpoint has proven very effective. There are no short cuts in sound human development, but over time the Indian can acquire the habits of thrift and good management of financial resources which are a necessary part of successful living. Credit unions among children in the schools offer exciting educational possibilities.

Furthermore, the organization of cooperatives would provide an opportunity for Indians who show leadership qualities to make a real contribution to the betterment of their own people. With cooperatives operating on the reserves, run by Indians themselves, it seems quite likely that the Indians would acquire an altogether different attitude toward their environment. They would find, through these organizations, that it is possible to compete with the white man on his own terms and in his own economy. This would boost morale tremendously.

In making the suggestion that credit unions and other cooperatives be organized extensively among the Indians as part of a community development program, we realize that we are making no small request. If such a program would not mean a reversal of government policy, it would mean a shift of emphasis almost equivalent to a change of policy. The relationship between the Indian and government is one which encourages dependency. When the Indians were obliged to surrender their interest in Canadian soil, the government undertook to establish reserves and provide other benefits. The Indians believe that Queen Victoria promised to look after them as long as the sun shines and the rivers run. Any welfare or assistance which they receive is regarded as owing to them. As one authority wrote concerning the Metis: "Learning how to obtain social assistance is one of the basic skills which must be learned in the same way one learns to fish or trap." Years ago the Indian was deprived of the right to manage his own affairs and this has led him to rely on government rather than on his own capabilities.

Social scientists have conducted research and experiments with backward people in many parts of the world, and the procedure calculated to accelerate social and economic progress has been well documented. It is well known that, no matter how good a program is, it will not work if the people do not feel it is their own.

This has been demonstrated frequently in many parts of the world where resistance to change followed attempts to impose progress on the people. The problem is complicated in the case of the Indian where there is a cultural barrier to overcome. Anthropologists who have studied the Indian culture have laid down a guiding rule to enable them to make the transition from one culture to another: the Indians should be involved and participate at all times. It is not enough to introduce and "sell" a program; the program must be developed, as well as implemented, by the Indians themselves. The cooperative way lends itself admirably to this concept and approach.

(b) **Cooperatives save money for the members.** Because cooperatives exist for the purpose of providing a service and not for the purpose of showing a return on investment, the members can get the service at its actual cost. There are innumerable examples of the salutary effect which cooperative operation has on price levels. Such a result is not attained because there is any magic in cooperative organization, or because cooperatives are necessarily more efficient than other types of business. The explanation lies in the fact that cooperatives exist for a different purpose: to make the community a better place and to develop the capabilities of the people who live there, and not for the purpose of making money by carrying on trade with them. It is quite consistent with this purpose, in fact often part and parcel of it, that as much of the resources as possible which originate in the community should be developed and used there.

(c) **A cooperative can start small.** It can begin with immediate tasks and everyday needs. With the Indian communities in mind this is very important. The strength of a cooperative does not depend on size alone. It depends just as much on the managerial skill available and on the determination of the people to have an enterprise of their own.

But this is not to say that cooperatives must be weak and ineffective. Cooperatives grow and can have real strength through federation. The consumer or purchasing co-op would be a member of the central wholesale cooperative in the province—and there is one in every province; or a local marketing co-op would join the central marketing organization, e.g. for the sale of fish. A credit union would be a member of the provincial credit union league and could make use of central credit services. The local organization would probably



rely heavily on these central organizations for help and guidance. In this way—this is a very important point, Mr. Chairman—the Indian leaders would be drawn automatically into a wider circle.

In practice community action will not always, perhaps not even usually, begin with the incorporation of a cooperative. Building a foot-bridge, providing a water supply, even planning what the community should be like in the future—these could be group activities leading in the right direction.

(d) **A cooperative can provide the necessary experience by stages.** The outside leadership given can be gradually withdrawn without ever reaching a point where drastic reorganization is necessary, as that required, for example, when a government service is converted into a cooperative.

Realism dictates that in most cases, even with the best possible educational program, it will be necessary in the beginning to provide a new cooperative with management from outside the group; and not only management, for it will be necessary for some dedicated and discerning worker to attend committee and board meetings in order that the educational process may continue and the danger of serious mistakes be kept to a minimum. But there will be directors from the locality—that is, Indians—gradually gaining confidence. Those taking leadership will have the opportunity to learn something of the problem of management through observation and experience. If the advisor or worker from outside has the right objectives in mind, before long an Indian will be the manager, and the whole community will be proud of itself and proud of him.

(e) **The cooperative way is consistent with the Indian temperament.** Though the Indian villages have little in the way of community enterprise, the principle of sharing is a basic characteristic. The typical Indian, at least in many bands, does not strive to place himself in any superior position as regards property or living standard. He would be ostracised if he did. Social acclaim is given to those who share the most, and so the Indian finds security in sharing.

A cooperative is in itself a form of sharing and can be presented in such terms. It is not possible for a member of a cooperative, by reason of his membership, to place himself in any preferred position as compared with the other members. If progress is made by the group, all have some share in it.

To those of us who are schooled in the materialism of our age, the Indian appears improvident. But again the different background must be kept in mind. There was no need to worry if meat was running low—you could always go into the bush and get more. Furthermore, there was no point in securing more than a limited supply—it would only spoil. One authority puts it this way with reference to the Indians of the North: "The material items produced in the south and sold in the stores are not treated with care. The people see these lining the shelves of the store and the supply appears to be inexhaustible. Few realize the hardship involved to produced them and as a consequence no material artifact has the "sacred" character that it might have for us."

While this attitude will pose real problems for cooperatives, it is difficult to see any better way to bring about the necessary readjustment in attitudes than to involve the people themselves in a business which will be their own, in order that they may through first-hand experience gain realistic knowledge of values in our economic sense.

#### 8. *Some wider aspects of the Indian problem*

As one of the signatories of the United Nations charter, Canada undertook an obligation to "promote social progress and better standards of life in larger freedom" throughout the world. To this end Canada is contributing \$50 million a year to the Colombo plan, a few millions more to areas outside the plan, and recently a scholarship fund of \$8 millions was established to assist students from other nations. This type of assistance is likely to increase steadily

rather than lessen as the years pass. Canada is receiving high commendation throughout the world for its assistance to the broad community of man.

But is it not possible that our good intentions, even when demonstrated in such tangible ways as dollars by the million, will seem rather hollow in view of the status which we have accorded to our own native population, a proud people whom the white man ruthlessly displaced as he spread his influence over the land? The present status of the Canadian Indian can scarcely be encouraging to other races and to the emerging peoples of the world.

It is true that successive governments in Canada have had the best of intentions. The Department of Citizenship and Immigration and the Indian Affairs branch have in their employ scores and even hundreds of dedicated workers who have given their lives to improving the lot of the Indian. Nevertheless, no disinterested observer would be likely to conclude that the end result, from the viewpoint of either the Indian or the Canadian nation, is satisfactory. Probably the most accurate assessment of the present situation would be that a solution for a minority problem that might have been acceptable in an earlier age has been allowed to continue into the twentieth century. And perhaps the greatest danger at this stage is that a bad situation will be tolerated today simply because it was worse yesterday. In spite of the steady progress which has been made in the health of the Indians and in their education, in spite of the development of an effective procedure for consultation with the band councils on an official basis, the Indian is still dispossessed, disheartened and frustrated.

This is not to say that there are no examples of community development along the lines we are suggesting, or no interest in this approach to the problem. We think that there should be an acceleration of the trend in this direction and strengthened support for it. The development cooperatives among the Indians can at one and the same time go a long way towards providing practical education for the Indians and giving them a measure of economic strength which they can attain in no other way. The widespread development of cooperatives would clearly demonstrate that the Indians are free to manage their own affairs, and would show that the economic and social environment is such that it is, in fact, possible for them to do so.

Moreover, cooperatives will act as a force for unity among the Indians, for it would be a mistake to assume that there is complete harmony in their communities at present. It is only necessary to mention the recent dissension between the leading factions on the Six Nation reserve near Brantford, Ontario, to illustrate this point. But since a cooperative can provide a service needed by all, it becomes a common denominator in the community and a powerful influence for unity. Furthermore, some of the problems of the treaty Indian can best be solved in collaboration with other racial groups in the community. In some cases the cooperative can serve Metis and whites as well as Indians, thus helping to bridge racial divisions.

### *9. The organization required*

If a successful program of community development is to be undertaken among the Indians, it will require concentrated effort, sustained over a long time. In order to reduce duplication of effort, to provide the necessary continuity, and to co-ordinate to the greatest possible extent the efforts of the various governments and organizations involved, the leadership should come from some national focal point.

We suggest that the required leadership be provided by a national council for the development of the Indian community. The council would consist of, say, twenty-five members drawn from government, both federal and provincial, and interested universities and voluntary organizations. Representation from governments should be balanced about equally by the representation of non-government bodies.

It is difficult to see any adequate source of finances for the proposed council except the federal government, but the cost would not be great. It is not anticipated that the council would have a large staff, for its work would be largely coordination, leadership training and the preparation of educational materials. The staff of the council would work closely with government departments and various organizations active in the field. Informal advisory committees in the provinces would be established in order to coordinate activities there and to focus attention on the regional or provincial situation.

We suggest the organization of a council for the development of the Indian community as a separate body because we think that a government department is not the right agency to carry out such a program. Some of the Indians probably regard government resources as unlimited, and perhaps feel justified in thinking that the government is ultimately responsible for everything affecting their life and welfare. Government will have to continue to administer the Indian Act, to continue health and educational services, and to provide relief when necessary; but the program of community development will show greater results if it is directed by a body which, though not independent of government, represents also the independent groups and organizations interested in improving the status and condition of the Indian. In the interest of a coordinated and effective program, the development of the Indian community calls for the broadest kind of collaboration by voluntary organizations and governments at all levels.

Mr. Chairman, I would like to ask Dr. Laidlaw to take over the reading from this point.

The JOINT CHAIRMAN (*Mr. Dorion*): Before going on with that, doctor, perhaps one of you have some questions to ask?

Mr. JORGENSEN: I rather think we should continue reading the brief, and let Dr. Laidlaw finish.

The JOINT CHAIRMAN (*Mr. Dorion*): As you like.

Dr. LAIDLAW: Originally we were going to eliminate the notes, but the idea of community development is so essential here that I want to read the definition of community development as expressed by the United Nations, in the United Nations report. It is on page 28, note 15:

The term "community development" has come into international usage to connote the processes by which the efforts of the people themselves are united with those of governmental authorities to improve the economic, social and cultural conditions of communities, to integrate these communities into the life of the nation, and to enable them to contribute fully to national progress.

With that definition, Mr. Chairman, I will continue reading on page 16:

#### 10. *Community development*

When we turn to a description of the steps necessary for a band to take in actually setting up co-operatives, we encounter real difficulty. The bands vary so widely in size, possession of natural resources and involvement in industrial life that no one plan or approach could be expected to be appropriate in more than a few situations. In other words, each area must be considered as a separate case and the necessary procedure worked out in an appropriate way.<sup>10</sup> In an appendix we have attempted to set out in detail, just by way of illustration, one line of procedure which we think might prove successful in some cases. Here we shall only block out the three broad areas in which action is necessary: consultation, education and promotion. These are not successive stages; consultation, education and promotion will be continuing features of a community development program.



*(a) Consultation*

If community development is to contribute to the growth of freedom and maturity on the part of Canadian Indians, it is essential that those in charge of the educational program should carry on their work in close consultation with the Indians at every stage. Effective cooperatives that will stand the test of time can never result from government action and government paternalism alone. Sound cooperative development is self-propelled and derives its power from within. Good cooperatives represent what people do, not something that is done for them.

Governments in Canada might very well say: "Certainly, cooperatives will be a good thing for Indians; so let's have lots of them, as many as can be organized." Then we can imagine government officers going out to set up co-operatives under official directives: 10 cooperatives perhaps the first year, 25 the next, 75 or 100 the year after; statistics suggesting great progress in co-operative development would flow into headquarters. But these could well be only figures in government reports, with no meaning in the lives of the Indians, little improvement in their economic condition and only superficial change in their social attitudes.

This is exactly what happened in India, the classic example of the failure of a cooperative program directed by government. The British introduced cooperative societies into India by government decision in 1904. They did it in all good faith, employing countless government officers to go out and organize cooperatives for the poor villagers. Impressive statistics were compiled in government reports, but the whole effort was a sad disappointment. The mistake was in depending too much on government decree and too little on education and spontaneous growth. After fifty years the report of a comprehensive survey (The All-India Rural Credit Survey, 1951-52) could only describe the experiment as a failure, and said that "no other description of the record would be appropriate". In spite of high-minded and unselfish leadership from top officials over several decades, the cooperative movement in India has been pictured as "a plant held in position with both hands by government since its roots refuse to enter the soil".

We sometimes hear glib expressions like "organize the people". But the truth is that you don't organize people, at least not for true cooperatives. All you can do is help the people through education and information to organize themselves. And this cannot be done overnight, or in one generation. What we ask is that the Canadian Indians be exposed to the flow of ideas and the educational influences which tend to develop co-operative attitudes. Then they will naturally organize and build cooperatives themselves.

Involvement of the Indians in all stages of planning is necessary for two reasons: first, in order to obtain their confidence and to establish the fact that there is no ulterior motive in mind, that there is only one end in view—to help improve the economic and social condition of the Indians; and second, to find out what the Indians themselves really want. Objectives established in this way will sometimes be at variance with objectives favoured by outsiders. Indians will respond to good leadership, as will other humans; but, in the delicate area of social progress, leadership which attempts to superimpose objectives from outside will inevitably fail.

(b) *Education* \*

Education is the key to community development that springs from personal growth and is not measured by mere accumulation of material things. The governments of this country might lavish and abundance of goods and services on the Indians without contributing greatly to their improvement as self-reliant people. The passive receiving of more and more from government is not going to make the Indian a responsible citizen; through education he must be encouraged and aided in creating for himself the best environment possible.

As for cooperatives, there is a long tradition of the dependence of good co-operative development on education; so much so that co-operatives without the proper educational foundation tend to wither and die, while those built on education seem able to overcome almost any difficulty.

The prospective coop members will have to be carefully instructed in the requirements for success: the amount of money which will be involved, the investment which each should make, the fallacy of establishing a business of their own and then not using it. A mistake commonly made, and a disastrous one, is to "oversell" the possible advantages of a particular co-operative project. It is necessary to be realistic and, particularly in the short view, conservative. Above all, as with cooperative business everywhere, the Indians must understand that in the end any co-operative they establish will be what they make it.

Finally, the prospective members must be guided and trained in the basic methods of cooperative business. This teaching does not need to be complicated; in fact, to be effective it must be simple, but it should not be overlooked. We must assume from the beginning that people will not support enthusiastically an organization which they but dimly understand.

(c) *Finally, Promotion*

From the very beginning of community development work, it is necessary to watch for those who are the most respected in the community and who show obvious qualities of leadership. Unless the organization is owned and operated not only for the Indians but *by* the Indians themselves as soon as possible, it will be a failure as a social instrument, even though it might conceivably become a good business.

In the early stages it will usually be necessary to provide management from outside. Either the outsider will be a supervising manager or he will be the actual manager working with an assistant named from the group. In either case he should be responsible for training one or two local persons who can take over management in the not too distant future.

It will be wise, under most circumstances, to start on a small scale with some relatively simple community service, but it should be made clear that this is just a start, and the possibilities of growth and expansion should always be held in view.

## 11. *Summary of recommendations*

1. That a statement of government policy be issued to make it clear that the social and economic improvement of the Canadian Indians is to be sought through a comprehensive community development program. (See appendix for a description of certain features of a community development program).

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\* In this brief the word "education" is used in its broadest meaning and is not intended primarily to refer to formal schooling. In discussing community and cooperative development, "education" usually refers to adult education, using the great variety of methods and educational techniques now employed in that broad field.

2. That the Indian Affairs branch (Department of Citizenship and Immigration) invite provincial governments and selected voluntary organizations to join in establishing a national council for the development of the Indian community along these lines:

(a) The council would not be a large body, perhaps 20-30 members.

(b) The council would meet as required, at least twice a year.

(c) The council would employ a director and staff who would be responsible for conducting the community development program in accordance with policies established by the council.

(d) The council would name an executive committee, of say five members, to guide and assist the director between meetings of the council.

(e) The budget of the council would be provided by the federal government.

3. That a survey of natural resources be undertaken in one area after another, in collaboration with the people living there, by a group of government departments working together, to ascertain the extent to which an improved standard of living can be supported.

## 12. Conclusion

If Canada could start all over again, there is little doubt that its Indian population would be dealt with quite differently. But that is not possible and we must go on from where we are.

In our determination to improve the lot of the Indian, there are two points greatly in our favour. First, there is the large number of people and organizations, including governments, who are now alert to the situation and eager to see something really effective done about it.

In the second place, Canadian attitudes have passed through several stages: conquest and containment of the Indians; exploitation of the Indian as the primary producer of wealth in furs; the expectation that the Indian problem would, through a process of social erosion, disappear; the realization that paternalism, with relief as its basic feature, is not helpful except as a palliative. And now we come to the present stage in which it is well understood that, if improvement is to be constant and permanent, the Indian must himself be encouraged to take charge progressively of his own affairs.

Thus the way is clear for positive action. If Canada proceeds along the lines we have suggested, using intelligence and restraint, if it makes certain in this endeavour to employ people who are wise and devoted and capable, a great social regeneration will take place through the years and generations to be, building in the Indian people a segment of our culture of which Canada can be justly proud.

We want to see the Indian rising to his full height on the hilltop at sunrise as his ancestors did, contemplating the future with confidence, ready to make his own decisions, beholden to no one and to no government. We want to see him clear of the inflictions of history, imprisoned by no set of economic conditions, cowed by no social environment, inhibited by no lack of knowledge or skill. We want to see the Indian truly free.

The JOINT CHAIRMAN (Mr. Dorion): Thank you, Dr. Laidlaw.

I understand, commencing at page 22, we have references, and I would ask the approval of the members to incorporate pages 22 to 34 inclusive in the record, as read. Do you agree?

Agreed to.



## REFERENCES

1. A report of the Indian Affairs Branch, Department of Citizenship and Immigration, entitled *A Review of Activities 1948-1958*, gives the following information on the Indians of Canada: no. of bands—571; no. of reserves—2,226; population in 1958—174,242; population by province—

P.E.I. ....	331
Nova Scotia .....	3,435
New Brunswick .....	3,083
Quebec .....	20,127
Ontario .....	41,803
Manitoba .....	22,859
Saskatchewan .....	22,438
Alberta .....	18,632
British Columbia .....	35,289
Yukon .....	1,806
N.W.T. ....	4,439
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	174,242

The population is increasing at the cumulative rate of approximately 3% per year.

2. Two reports, *Co-operation in Canada* and *Credit Unions in Canada*, are published annually by the Economics Division, Canada Department of Agriculture, Ottawa.

3. George J. Holyoake: *The History of Co-operation* (Unwin), Volume 1, p. 4.

4. Information on the co-operative movement in different parts of the world, on efforts to build co-operatives among underdeveloped peoples and on special types of co-operatives, can be obtained from:

- (1) International Co-operative Alliance  
11 Upper Grosvenor Street  
London, W.1, England
- (2) Co-operation and Handicrafts Service  
International Labour Office  
Geneva, Switzerland
- (3) Rural Welfare Division  
Food and Agriculture Organization of UN  
Rome, Italy

5. Maurice Colombain: *Co-operatives and Fundamental Education* (UNESCO), p. 13.

6. Quoted from *The People of Indian Ancestry in Manitoba*, an economic and social study under the direction of Jean H. Lagasse, Department of Agriculture and Immigration, Winnipeg, 1959.

7. That many people were aware from the beginning that a great wrong had been done to the native Indians is seen from this excerpt from a letter written in 1801 by a government official in Halifax, N.S. to Antigonish, when food and rations were being sent to the Indians of those parts to keep them from starving:

It is the earnest request of the Committee that you impress on the minds of the Indians the necessity there is of their turning to industry and providing themselves with some provisions in the summer for the winter necessities—for it will be in vain to look to government for an annual support, it being the determination of the Legislature that they shall cultivate the ground, otherwise they will be abandoned to their fate. The Committee are sensible, Gentlemen, that they are imposing a public duty on you without any means of compensation, which in its nature must be attended with much trouble, but they trust that your own humane and benevolent feelings will apologize for them since you will, no doubt, consider us as taking a share in relieving the distress of an unfortunate class of human species whose wants are in great measure occasioned by ourselves, who have dispossessed them of their native soil and means of subsistence."

Quoted from *Timothy Hierlihy and His Times*,  
The Story of the Founder of Antigonish, N.S.  
by C. J. MacGillivray.

(A paper read before the Nova Scotia Historical Society  
at the Province House, Halifax, Nov. 12, 1935.)

8. The role of co-operatives in community development is described in a report (March 1957) by the Secretary General of the United Nations, entitled "Report on Concepts and Principles of Community Development and Recommendations on Further Practical Measures to be taken by International Organizations":

There are close inter-relationships between the co-operative movement and community development. Since co-operative organizations promote and foster the spirit of self-help and joint action and encourage local initiative, they may play an important role in creating the necessary social and psychological conditions for community development. Conversely, as the process of community development continues and a new social ferment is created, the co-operatives may be expected to gather an added momentum and vitality.

Co-operative methods can be conveniently applied to meet various specific social and economic needs of local communities. They can be used for example as a means of increasing production or income (through agricultural improvements, development of handicrafts and rural industries, introduction of rural electricity, improvement of transport, etc. Providing better housing and related facilities, and promoting health, education and recreation, in multi-purpose co-operatives, in particular may serve as a spearhead for the wider type of action implied in community development.

(Paragraphs 80 and 81)

It is also evident that voluntary co-operation, with its promotion of full knowledge, discussion, confidence, equality in control and the greatest possible degree of self-reliance, has no complete substitute. Its results can be cumulative and permanent. For this reason many supervised credit departments, agricultural credit corporations, land settlement authorities, administrations for the affairs of indigenous inhabitants and for community projects, agricultural development boards and other official and semi-official bodies have come to recognize the need to promote the formation and development of true co-operatives.

—from *Rural Progress Through Co-operatives*  
United Nations; Department of Economic Affairs; 1954; p. 100.

9. Two Crown Corporations of the Government of Saskatchewan, the Fish Marketing Service and Saskatchewan Government Trading, begun in 1948 to provide services for Indians and others living in the far northern part of the province, were converted into co-operative associations in 1959. In announcing the conversion of these government corporations to co-operatives, the Premier of Saskatchewan said: "It has become very apparent that the people of the North have a strong desire to work out their own destiny, and with assistance and guidance they are quite capable of doing so."

10. Quotation from *The Metis of Northern Saskatchewan*:

An individual shares a portion or the whole of his good fortune with another because if he does not, he will not likely receive help when he is in need. The fear of being left destitute by one's kinfolk and friends is so great that no true bush Indian or Metis would dare refuse to give what he can to the needy.

The principle of sharing in its most extreme form is found among the isolated Chipewyan Indians living in the vicinity of Lake Athabasca. In the Chipewyan language the verb "to give" (buschere) is almost a sacred expression. If one man says to another, "You give me that object I need it," and the other replies, "no", the man asking would reply, with contempt and disgust, "You like that object against me"—in other words, "you are treating that object as being more important than I am". In such a case, every "good" Chipewyan will shun the man and accuse him of "trying to be a big shot like the white man", because, as they see things, the white man is always hoarding large supplies of goods greater than his everyday needs require.

No Metis living in relative isolation from white society would dare hoard food stuffs and other goods from his kinsfolk and friends. Should he do so he would immediately become the object of ridicule and ostracism. Living by the fruits of the hunt is too precarious a business in a climate as rigorous as that found in the North. Miscalculations in game movements or seasonal depletion can cause disaster. Hence, the practice of sharing is a vital part of the economic system, and for the same reason, so is credit.

—from *The Metis of Northern Saskatchewan* (pp. 14-15)  
by V. F. Valentine, Dept. of Natural Resources, 1955.

11. "Whereas in a competitive society the failure of your neighbour may be the cause of your own success, co-operation can only be furthered by people who are ready to share their successes and failures with others."

—from Peter Manniche: *Living Democracy in Denmark*  
(Ryerson), p. 88.

12. V. F. Valentine: *The Metis of Northern Saskatchewan*, p. 15.

13. "After more than 200 years under European domination, the majority of the descendants of the real discoverers and original inhabitants of North America do not enjoy the high standard of living and social acceptance of the majority of Canadians. This inequitable situation cannot continue indefinitely. The rapid increase in population on the reserves, which is now estimated at 160,000, threatens further aggravation of it. . .

By an unjustifiable paradox, the descendants of the first inhabitants of Canada do not feel at home in their own country. It is for us, descendants of those who dispossessed their ancestors, to make honorable amends and to give them back the keys to their own house."

—Rev. Andre Renaud, O.M.I.

in *Canada's Health & Welfare*, June 1958.



Excerpts from an address giving the Indian point of view, delivered by John Anaquod at a conference sponsored by the Welfare Council of Regina, Oct. 30-Nov. 1, 1959:

There is no Native problem created by the Native himself. Every problem that exists today in regard to the Native population is due to the White man's cast of mind . . . We Natives have been guilty of only one sin—we had possessions that the White man coveted. . .

True, you have given us Christianity and its principles . . . I do not in the least doubt the validity of these principles, for we had many similar principles in our own ancient culture which we practised in all our affairs . . . The Indian was a mystic and had a deep insight in spiritual matters. He had practised his spiritual principles for centuries—generation upon generation. His whole life was full of their expression.

To the Indian the White man's Christian principles appear as a false front to conceal his real ends: power, prestige and money. To this day whenever the freedom, welfare and progress of the Indians get in the way of achieving those ends, the Indians are disregarded and their cause talked out of existence.

Perhaps you do not like to be reminded of your duty and responsibility to the Native whom you have degenerated. You have made them what they are. You must choose whether you want them to be a blot and a burden to Canadian society, or whether you want them to make a contribution. By your administration, attitude and action, or lack of it, we shall have your answer."

—NCIC Bulletin  
February, 1959

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Gleichen, Alta., Dec. 14 (CP)—Chief Clarence McHugh of the Blackfoot Tribe said today his 1650 Indians are facing their worst winter in history.

The 52-year-old chief said in an interview the tribe faces a shortage of food and housing. He added that there is no employment, and that a third of the grain crop is still in the fields.

He said the Canadian government is aware of conditions on the reservation 45 miles south east of Calgary, but so far has done little to remedy them. . .

Chief McHugh said about 90% of his tribe is living on ration money of about \$8 per month. . .

He said houses on the reserve are falling apart. They were built in 1912 with money received when the tribe sold 125,000 acres of its land to white farmers. . .

He said there is also a shortage of water, which, combined with overcrowding, results in poor sanitary conditions. Some families have wells, but others have to haul water as much as two miles.

On previous occasions, Chief McHugh has said much of the tribe's employment problems are a result of the tribe years ago leasing much of its best farm land to white farmers.

He has also said many Indians, even if they had the land, would not know how to farm it properly and has suggested training programs in modern farming techniques should be set up for Indians. . .

—from *Globe and Mail*  
December 15, 1959

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An article in *Beaver*, Autumn 1959, entitled "The Buckskin Curtain" by Dr. M. C. Schumiacher describes the conditions of our first citizens as follows:

The surprising and terrible fact is that the Indian Canadian is virtually a stranger in his own land. He may once have roamed and ruled the whole of this vast country but today he is relegated to isolation on

small reserved areas. A crooked, rutted road leads to his mud and log hut. Inside a family of five or six will be found crowded on the dirt floor that often serves as a bed. Cooking is done outside on a spit or on a primitive wood stove. Generally without electricity or water or sewerage, these dismal cabins are the most depressing homes in Canada—and they are occupied by the most depressed of all people.

14. A review of the situation at Brantford was given in the *NCIC Bulletin*, June 1959.

15. The United Nations report quoted in note No. 8 above gives this definition:

(1) The term "community development" has come into international usage to connote the processes by which the efforts of the people themselves are united with those of governmental authorities to improve the economic, social and cultural conditions of communities, to integrate these communities into the life of the nation, and to enable them to contribute fully to national progress.

(2) This complex of processes is then made up of two essential elements: the participation of the people themselves in efforts to improve their level of living with as much reliance as possible on their own initiative; and the provision of technical and other services in ways which encourage initiative, self help and mutual help and make these more effective. It is achieved in programmes designed to achieve a wide variety of specific improvements.

16. The following quotation applies this viewpoint to the field of co-operatives. It is advice to extension workers among rural people in under-developed lands:

Don't let your ideas about co-operative organization be too fixed. All co-operatives, it is true, have basic principles which should be the same the world over. But the form and details of organization should be very flexible. What is good for one community is not good for another; what succeeds in one region will almost certainly fail in another. Keep an open mind as to the particular form a co-operative should take. In one area the large-size credit society is the thing; in another the smaller village societies may prove better. In one region the marketing co-operative will have to be organized with direct membership; in another the federated type is the only kind that can be attempted. And so on: the co-operative society is not immutable in form, only in principle.

—from *Extension Work in the Co-operative Movement*,  
by A. F. Laidlaw, (Reserve Bank of India), p. 47

17. All-India Rural Credit Survey, Reserve Bank of India; *The General Report*, p. 106.

18. "Don't make extravagant promises to the prospective members of a society about what the co-operative is going to do for them. Don't make it seem as if the co-operative is going to work magic in their lives. Instead try to impress on them that the power of the co-operative lies not so much in the organization as with themselves and how they will use the organization."

(Same source as note no. 16 above, p. 46)

19. "The co-operative form of organization, especially in rural areas affords an opportunity to individual members of outstanding capacity, to obtain an experience in management, administration and leadership which, in

the ordinary course of events, they could not obtain in any other way. The development of these men through training is not only valuable to the associations themselves, but is of advantage to the country as a whole...

"In the modern world of large enterprises, especially when times are difficult, some individuals with low incomes are likely to feel that they are being taken advantage of and are powerless to resist such exploitation. The establishment of a co-operative association may assist in meeting the needs of such members and in bringing relief to this feeling of frustration by providing an outlet to normal creative activity. The value of such an objective for individual ambition, not only to the member himself but to the community generally, need hardly be stressed."

—from the *Report of the Royal Commission on Co-operatives* (1945), p. 30.

20. The organization of the National Commission on the Indian Canadian, founded by the Canadian Association for Adult Education in 1957, has done much to focus attention on the condition of the Indians and to bring together representatives of various institutions, government and educational bodies in a united national effort for the benefit of the Indians of Canada.

21. Excerpt from an address by John Gordon, Chief of the Welfare Division of the Indian Affairs Branch, Ottawa, at the Manitoba Conference on Indians and Metis, held in February, 1959:

We must start with the Indians themselves, working through Indian leadership toward objectives the Indians consider important and at a pace determined by Indian acceptance and participation. Grandiose schemes or panaceas which violate this general principle are most unlikely to be effective. This concept is in line with the Department's efforts to place greater responsibility upon the Indian Band Councils in the conduct of their own affairs. In the future we propose, through the medium of social leadership and with the assistance of specialists in this field outside the Department itself, to continue to encourage and to promote Indian leadership. We hope to see, in consequence, further development of Indian organizations through which the Indians themselves may mobilize their resources, with appropriate assistance, to meet the problems with their own communities.

—NCIC Bulletin  
September, 1959

The Extension Department of St. Francis Xavier University has been working in recent years on a program of adult education among the Indians of Nova Scotia. Father W. Roach and Miss Margaret Gillis of the Extension Department staff have this to say in reporting on this program:

For many years we have neglected to impress upon the Indians the true value of a fruitful life. At the present time we have many who are living aimless, inefficient and what we might call wasted lives. They are what they are because they do not know what to do. They need the help, direction and encouragement that a clear-cut adequate program affords. They must move forward with a new determination to develop themselves through their own groups, organizations and programs of action with outside assistance from, but independently of, the government.

—NCIC Bulletin  
September, 1959



## APPENDIX

*Introduction*

The purpose of this section is to describe in a summary way how the program envisioned by this brief might be put into operation. (For a description of the methods and techniques in more detail, we refer the committee to two publications: (1) *The Communities Project Approach to Economic Development*, by H. Belshaw; South Pacific Commission Technical Paper No. 84; 1955. (2) *Extension Work in the Co-operative Movement*, by A. F. Laidlaw; Central Committee for Co-operative Training, Reserve Bank of India; 1958.)

The aim of a community development program among Canadian Indians will be to develop communities which are unified and coherent, to strengthen their capacity for spontaneous self-help and self-regulation, and at the same time to develop the willingness to participate intelligently in betterment plans that may transcend the local group in scope. People doing things for themselves at the community level must ever be the core of the objective. If this focus is lost and the emphasis shifts from getting people working together to getting concrete things done, the main point will be missed and the community development program will prove disappointing.

In this appendix we make certain assumptions: first, that the Federal Government has approved the community development approach to the Indian problem (this is necessary in order that the efforts of workers at all levels can be co-ordinated to the greatest possible extent); second, that the National Council for the Development of the Indian Community has been set up; third, that a director and staff for the program have been secured and provided with a budget; and fourth, that policies have been adopted by the Council to establish the general framework within which activities will be carried on.

*Co-ordination (provincial or regional)*

As the director proceeds to implement the program in a certain province, he must first discover what is being done there at the present time. It will be necessary for him to spend a good deal of time becoming familiar with the programs and the personnel of the various agencies interested in the Canadian Indian. At some early stage he will call together in conference representatives of the various agencies active in the field—federal and provincial government departments, universities and voluntary organizations. This would be a fact-finding conference, an exchange of information and an attempt to work out a program of community development which would have widespread support.

Just as the rate of progress on any reserve will depend on the understanding and participation of the Indians themselves, so the degree of concentration on the community development approach will depend on the extent to which it is accepted and promoted by the agencies already at work in the area. Obviously no effective program can be superimposed.

In his attempts to obtain support for the program and collaboration in its promotion, the director, as the representative of the National Council, will have one great advantage: he is not a civil servant and is not therefore so likely to be suspected of being primarily interested in solving a government problem. He has no authority but works by persuasion alone. Thus the methods followed are at every point consistent with the end it is hoped to attain.

To illustrate the need for co-ordination in the provinces and at the level of the reserve itself, it is necessary only to mention that a comprehensive community development program will require inter-relationships in such fields as health, education, production, marketing, credit, purchasing and in some cases also local public works. Though the direction in each of these varied fields cannot come from one central administration, there should be the highest possible level of co-ordination.

*First decisions*

When the community development approach has been accepted in a province, it is necessary for the director to decide how many bands should be given leadership in the program simultaneously and which bands these should be. In decisions of this kind many factors must be taken into account, not the least of which is the extent to which the various agencies are ready to adopt the community development approach, on the one hand, and the extent to which the band council is ready to co-operate, on the other.

In general, the bands to be given leadership initially should be restricted to a number which can be given continuous (though not necessarily full-time) leadership over a long period of time. As the program gains momentum and demonstrates good results, it would be hoped that the number of participating bands could be steadily increased.

*The prime requisite*

Given agreement on the part of the provincial agencies and assuming a good attitude on the part of the band council, it then becomes necessary to find and train the person who will be the unofficial leader of the community development program for that particular band.

Eventually, through the years as the program develops, specialized personnel will be recruited and trained for this purpose. In the early stages of the program, we suggest that in most instances it will be desirable to rely on the efforts of selected workers already in the field. This would permit the program to get under way in a few selected areas without delay, and it would be more likely to catch the interest of people already at work in the provinces if it does not involve the introduction of personnel unfamiliar with present activities. Furthermore, such an approach has the advantage of great flexibility. In some instances the leader selected for the community development work for a certain band will be a resident clergyman, or the field man of the university extension department, or the area supervisor of a large co-operative, or the representative of a government department. Once chosen, the leader of the program for a particular band is recognized as the chief co-ordinator and the director for that community. It would be his responsibility, in collaboration with the band council and the various interested agencies, to guide the development of that particular community along the lines and toward the objectives set out in this brief.

*The training of co-ordinators*

From the very beginning it will be necessary for the director of the National Council to instruct and train co-ordinators in the methods of community development and to assist them in meeting the problems they are certain to encounter. The director will work with the co-ordinators individually and in groups. When the co-ordinators are meeting in a training conference, it would be wise to include other workers with whom they are closely associated. Though no hard and fast rule should be laid down, it can be suggested that such conferences of co-ordinators in a province should be held twice each year. The possibility of increasing the number of bands taking part in the community development program will depend to quite an extent on the degree of success in discovering additional co-ordinators.

It thus becomes obvious that the co-ordinator is the key at the local point. The success or failure of the whole program will depend on him. He must be tactful, understanding, devoted and highly skilled in the best techniques of working with people. It will not be his task or responsibility to administer community projects (including co-operatives), but rather to make certain that reasonably competent administration is available.

### *The training of leaders*

If progress in community development is to be permanent, Indians must be encouraged to provide the necessary leadership and educated to do so. This may be the work of years, though it is surprising how the rate of progress can speed up as people gain in understanding and enthusiasm.\* Indians who show leadership qualities should be given every opportunity to gain new experiences and to take responsibility. To learn effectively people must be involved; they must feel themselves to be a part of the program and this means that they must have opportunities to do things, even though imperfectly in the beginning. It can be assumed that leadership varies widely from band to band, and from individual to individual within the bands. In some cases the development of leaders will begin in small and simple ways; in other cases some will be ready for more complicated responsibilities. At appropriate stages in the community development program, leaders from a number of bands will be brought together for a conference lasting several days. A training school of a week or two might be organized each year similar to the folk schools of many provinces. This could be conducted jointly with those organizations already active in adult education. When a band becomes interested in a credit union or other co-operative enterprise, there will be opportunities for leaders from Indian communities to attend the regular training courses of the credit union league or co-operative federations.

Needless to say here, the training courses will use all the most effective methods of adult education. The aim will be to develop leaders who are not only highly competent from a technical standpoint, but who also have effective contact with their people and are capable of initiating practical projects in community development.

The JOINT CHAIRMAN (*Mr. Dorion*): Now, if any member of the committee has any questions to put to Mr. Staples or R. Laidlaw, I would ask you to do so at this time.

Mr. JORGENSEN: Since Mr. Staples has outlined in his brief the benefits that would be derived from established cooperatives on reserves, would he care to tell us if any efforts have been made, and what success he has had, with establishing cooperatives on reserves.

Mr. STAPLES: I think perhaps Mr. Jones could provide that information better than we could. Our knowledge is rather patchy. There have been attempts, with varying success, to establish credit unions and cooperatives of quite a wide variety but, as I said, there has been no comprehensive conscious program in this direction.

The JOINT CHAIRMAN (*Mr. Dorion*): Mr. Jones, would you care to comment?

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\*Leadership will also emerge in the most unlikely places, as is shown by this story told in the ILO publication *The Andean Programme*, which is an excellent account of community development work among the people of three countries in South America:

#### *The Kitchen Boy*

One day an Indian arrived from Sacaca, a community north of Potosi, about 100 miles away. Nobody had invited him and he was not prepared to enter as a regular student. He did want to be informed of what was going on on the base. Not much attention was paid to him and he installed himself as a kitchen boy.

Months later, the Playa Verde director visited Sacaca. To his surprise he found that there had been built five miles of new highway, a new school and three co-operatives. Nine students were having daily classes in reading and writing. The author of all this, and acting as teacher, was the former kitchen boy.



Mr. JONES: I am afraid I missed the question. I was looking up some notes. You were asking what efforts the branch has devoted toward cooperatives?

Mr. JORGENSEN: Not necessarily the branch. I understand the cooperative union has made some efforts to establish cooperatives on some reserves, and what I wanted to know is what obstacles you have confronted that need to be overcome, and what success you have had in establishing them?

Mr. STAPLES: Of course, some of the latest efforts made, with the assistance of representatives of the cooperative movement, have been in the north of your own province, and in northern Saskatchewan. However, it is not confined to those areas.

When you say what difficulties have been encountered, of course the problem is much the same as the problem with any industrially underdeveloped people anywhere—lack of formal education, lack of leadership in the communities, a failure to understand what is involved in a self-help program of this kind, and its possibilities. I think a special one is the fact that the Indians in Canada, perhaps, in some cases, have a feeling that if they undertake a self-help program of this nature, and it succeeds, it may affect or jeopardize their status with the federal government, and the assistance they have been obtaining in the past.

Senator HORNER: Would you say that the granting of the vote was a necessary step, in the first instance, to accomplish what you want to bring about? Do you not think that in giving them the vote, it would be a help?

Mr. STAPLES: I think it will be a help, but there is not necessarily any close connection between what we are advancing and the franchise. I do not believe it will solve the sort of problem we have in mind.

Senator HORNER: Your problem is to have them assume responsibility for their own care?

Mr. STAPLES: Yes.

Senator HORNER: Then, in that connection, the vote would give them responsibility, and gradually the one would come from the other.

Mr. STAPLES: Yes, I would think so.

Along the same line, one of the points that was made yesterday afternoon by Father Renaud—and I am not sure how he worded it—was that they should further develop their internal governmental program, and that the band council should be organized regionally and, perhaps, nationally, eventually. I think this would be a tremendous help, because it would give the cooperative movement, or any other such body, an official contact with the Indian communities. As he said, that is the work of years. There is nothing that will last that can be done fast in this kind of thing.

We talk about the national council here. We certainly would want to have representatives of the Indians on that national council. Now, if a man of the broad experience of Senator Gladstone could be available, that would be great—or, if there could be someone representing a national association of the Indians, or something like that, it would be excellent. However, if we pick just somebody out of a band for the national council, I am a little afraid that, lacking the broad experience, the difficulties of that particular band—and it varies widely from place to place, it might tend to channel the work of the council a little too much on detail, and not enough on the broad picture, for such a national body. I am not against the participation of the Indians in any respect, but that sort of organization would certainly help.

There is one error in our brief. It is not an error so much as a correction. We referred to the National Commission on the Indian Canadian—and that is N.C.I.C. Of course, that organization has been re-organized, and now it is named the Indian-Eskimo Association of Canada. This is the same organization to which we are referring. This brief was written before the re-organiza-

tion of the National Commission was complete. It is now an incorporated body in its own right, and has changed its name. The cooperative union of Canada is associated with the Indian-Eskimo Association.

The JOINT CHAIRMAN (Mr. Dorion): Colonel Jones, I suppose you have some observations to make in connection with the points raised.

Mr. JONES: We in the branch, of course, agree entirely with the principle of self-help and cooperative endeavours. We also realize the weaknesses of paternalistic approaches.

I thought the committee might be interested in some of the cooperatives that are operating now. They are mostly fishery cooperatives in Saskatchewan.

There is one at Pelican Narrows where the department assisted to the extent of \$30,000 to provide freezers, and this co-operative is almost exclusively Indian as is another one at Wollaston lake. There is also another one at Reindeer lake where participation is 30 per cent Indian and 70 per cent non-Indian.

There is one at Beaver lake where participation is fifty-fifty between Indians and non-Indians, and another at Lac La Ronge where participation is again 30 per cent Indians and 70 per cent non-Indians.

The most recently established co-operative is a rather interesting one. It is called the Gold Stream co-operative in British Columbia. Members of the committee are well aware of the famous Cowichan sweater. This co-operative was started by both Indians and non-Indians to produce the Cowichan from the time the sheep is clipped until the sweater is in the hands of the purchaser. That is a co-operative of Indians and non-Indians.

Many attempts have been made by Indians without our help to market the Cowichan sweater, but this latest is a co-operative effort, and we will be watching it most closely because we think it is sound.

So we do have many co-operative efforts of the Indians, but mainly in fishing; and there is of course the Quebec fur preserves. The committee listened with a great deal of interest two or three weeks ago to representatives of the Abitibi band, who dealt with their problems. The fur preserves in the province of Quebec are fairly near to being a true co-operative, because it is for the benefit of them all; they are operated with a minimum of paternalism.

I thought you might be interested in a few of the co-operative endeavours that the branch is aware of, and the fact that we support the principle, and consider it to be part of our program.

Senator HORNER: Have any of them attempted fur raising such as mink ranching, on a co-operative basis? How about that scheme up near The Pas in Manitoba? Were Indians included in it, when a large area was set aside to start a huge muskrat farm?

Mr. JONES: It was a development near The Pas. Yes, Indians were included.

Senator HORNER: It was something of a co-operative nature?

Mr. JONES: Yes. Unfortunately one of them is going to disappear because of the development of hydro resources. It was fairly close to being a co-operative.

Now, in answer to your question, Senator Horner, I would say that Indians have been more interested in wild animals than in tame ones. I was trying to recall any attempts by Indians to go into mink ranching, but I do not think they have done so, although there is money available to lend to them if they wanted to do so. They seem to prefer the wild mink.

The JOINT CHAIRMAN (Senator Gladstone): Perhaps I might make a few observations. I shall have to go back a long time, to the end of the last joint committee, and speak of the effect the present Indian Act has had up to the present just briefly. It comprises how to organize a band council.

In the past—and I shall make use of my own reserve as a sort of example, because I know about it—in the olden days the Indians lived in villages or camps, and they used to be called bands. There were about 23, I would say, of something like clans, and each village had its own leader and elected its own leader.

When there was a band council, the chief—there would be four chiefs—when the band council was called by the Indian agent, all these chiefs from the 23 camps would gather together. Now, that was the custom in the olden days; and the Indian agent followed the treaty in issuing the things which were in the treaty such as cattle, plows, and implements which, in those days, comprised a shovel, a hay fork, a yolk of oxen, or something like that.

But as time went on and when the settlers came in and started to farm, farming seemed to be making them rich; and we would lease a blanket lease to a large company such as the Gordon-Ironside and Phair Company—which now has been absorbed by Canada Packers—land which they used to live on; and the money which we had coming to us from that was spent in buying steam engines and plows to break up the land: and then each person had 60 acres plowed for him.

But it broke up the clans, and all these villages, because like my own case I moved up—this was after the first great war and I settled down. I was moved up from the camp that we belonged to, to another camp, or clan, and we all got mixed up. Therefore the system of electing our leaders came to an end. But we always had recognized two chiefs over the rest of them.

Now, of course, we have cut down in only having one chief; and now wherever it is referred to in the act as the old custom of governing—I cannot see it; there seems to be a new one, because we were brought in from all these clans and mixed up with the Macdonalds, the O'Briens, and with all sorts of things. I tell you this to explain to you what it meant to us. It was just the same way as a clan, when we were all mixed up.

This elected system which was in part II and which was never used, was put into the general Indian Act of 1927, and our Indian agent at that time got us together to settle among ourselves which would be the better system in electing chiefs. We felt that we should elect the vacancies, leaving the ones who were still alive, and as the years went by and death occurred, they could fill them up by means of elections. That was very successful. This was a decision we made with the whole tribe—with the chiefs and the members of the tribe. It was started in 1930. For a period of three years everybody was happy. There were six to be elected. At the end of the three years when they were making up the list for the next election there were two vacancies. Two of the older chiefs went out. That meant there were eight vacancies. For some reason or other the chief inspector from Regina came up and said "Let these three carry on". That is when the three-year period came to an abrupt end. We continued as best we could and carried on.

So far as the band council is concerned—I was never a member of the council myself—I was very interested and asked some of the towns if they would invite our band council to sit in with them to see how a municipal or town council was carried on. Although those outside councils invited the Indians to come in at any time, they did not take advantage of the invitation. As I have observed it, there does not seem to be anything to govern the officers on the band council. I always have said—as I said here in Ottawa—that if that were applied to the act governing the councils it would be sounder. To me it just looked like regulation by regulation. No bylaw has ever been voted on our reserve that applies to all the band members. Some of the regulations which have been made have been broken by the ones who made them very few weeks or months after they were made. To me it seems to be all jumbled up. I do not think a lot of band councils know right now what the regulations are.



That is my observation. I think what you have read, sir, is a very good thing. I would sum it all up in this way, that the Indian needs coaching and then I am quite sure leadership would come about naturally like it did in the early days. As it is now we do not know who makes a good leader, because he cannot show his leadership. He is obstructed in doing things. That is what makes it so confusing today.

Mr. LAIDLAW: They have no activities in which to show their leadership.

The JOINT CHAIRMAN (*Senator Gladstone*): In some places I have seen that efforts have been made in the right direction. I think there should be something more than an act to govern them. There should be a procedure which is understood and they would be able to go ahead.

Senator HORNER: Are you thinking of the older days when a band was ruled by a hereditary chief?

The JOINT CHAIRMAN (*Senator Gladstone*): No. Ever since Old Red Crow died there have been nominations and elections. When he died his son naturally was chosen because he was a good leader, but someone else was nominated against him; but in that case the other person withdrew. There have been three elections during my lifetime and in each case it was by acclamation; the one nominated to oppose withdrew. It was not hereditary; it was the popular feeling of the people.

Senator HORNER: It was by a vote of the entire band.

The JOINT CHAIRMAN (*Senator Gladstone*): Yes.

Mr. JORGENSON: Could Mr. Staples tell us if their organization has field men who make an effort to go out and establish cooperatives? I am not thinking particularly of the Indians but in terms of cooperatives generally including Indians. Does the provincial organization have men who do this type of field work.

Mr. STAPLES: Yes; but the structure of the organization varies widely from one part of Canada to another. In some cases the credit union league would have persons available. In other cases it might be the local cooperative. The cooperative movement is better equipped than it has been to participate in the kind of program we have outlined here, but the cooperative movement would not have the resources nor the authority to do it alone. If we are going to develop the Indian communities along the lines we are suggesting it will require maximum coordination and cooperation on the part of the governments, both provincial and national, several departments, and our field service, as well as others working in the community. Otherwise we are at cross purposes and the Indians will be more confused than they are now.

This will require a really well set up and conscious effort in a well defined direction. I think leadership training is one of the central points. Senator Gladstone emphasized this. This is one of the main places where people can take responsibility by running their own affairs. A cooperative field man cannot just go into an Indian community and superimpose this kind of cooperative program on top of all there is now. A large part of the present program is good in separate ways. Everything has to be focused into a central program. I think the field-man for the council or, whatever we call him, will have to work with the cooperative field man and the government representatives the clergyman and the Indian unofficially, gradually leading them in this direction. It is a long hard slow road. Without a conscious program in this direction it will not succeed.

Mr. GUNDLOCK: I understood Senator Gladstone to say some of the confusion existing among the Indians was the fact that the regulations made by the branch or the department, in some cases, even shortly after they were made and explained, were refuted by one man or another.

I do not wish to continue this, or draw out a discussion at all at this time, but I would like to make a point, for the record, that we discuss this thing later, and I would like also to make sure I understood the Senator correctly.

The JOINT CHAIRMAN (*Senator Gladstone*): If I could correct that a little bit: Where the superintendent has recommended they make by-laws or regulations they have made them, but when they did break them they were allowed to break them. That is what I meant.

Senator HORNER: Did you not say, Senator, some of the men who were a party to making those regulations were some of the first men to break them?

The JOINT CHAIRMAN (*Senator Gladstone*): That is right.

Mr. GUNDLOCK: I think that is a point we should keep in mind.

Mr. STEFANSON: I was interested in this sentence here:

Cooperatives cannot solve the economic problem for a band of Indians living in a part of the country where there are wholly inadequate natural resources and no opportunity for industrial employment.

You would agree there are many reserves located in areas where there are very limited natural resources and no industry whatsoever. I do not know how well you know Manitoba, but Norway House would be a very good example of that type of situation, where we probably have a thousand people living, and the natural resources there could support 150, or so. These are not accurate figures, but it would be something of that nature. It would be very hard to establish a cooperative under those circumstances.

Mr. STAPLES: We went on in the brief to indicate it still might be desirable to organize a cooperative. These people must be buying groceries, and they could have a cooperative of that type. Maybe some have some things to market; they should market cooperatively. Someone might want to borrow money, and they should have their own institution in the form of a credit union.

We were stating there is no magic in a cooperative and that it can not solve the problem for a community when there is not even enough to live on, no matter how well it is organized. That is our point there.

Mr. BALDWIN: Just listening, as well as I was able to, to the reading of the brief, there is one sentence which struck me as being apt—

The JOINT CHAIRMAN (*Mr. Dorion*): You are referring to page?

Mr. BALDWIN: This is page 17:

All you can do is help the people through education and information to organize themselves. And this cannot be done overnight, or in one generation.

That is a pretty valid statement, and I think we have heard it quite frequently.

Do I understand from you that you think one great way to help them is by placing greater emphasize on community effort, rather than individual integration at this time?

Mr. STAPLES: I would say, the two go together. The community development helps the development of the individual, and vice versa. You cannot build good community development on people who are not progressing with it.

Mr. BALDWIN: You mean by that, the introduction of practical benefits of cooperative units, that these would be useful as a practical supplement to the education of the individuals?

Mr. STAPLES: Yes, and not only the practical benefits, if you are using that term in terms of money.

Mr. BALDWIN: No, in terms of characteristics of leadership and assimilation.

Mr. STAPLES: Yes.

Mr. BALDWIN: Is not that something along the line that Mahatma Gandhi had in connection with the development of small Indian villages?

Mr. STAPLES: I quoted Premier Nehru earlier, who said, last fall—and on other occasions—that the village community in India would be based on three institutions: first, the school, then the cooperative; and the village council. They have a tremendous program going on in India, which is calculated to bring this about over a period of time. The situation is not so different on our Indian reserves, in principle, in many ways.

Mr. SMALL: Nehru was a protégé of Gandhi, was he not?

Mr. STAPLES: Yes.

Mr. SMALL: I think, taking the thing by and large, the department itself has followed out, as well as it could, the program for developing the people; but the problem we have found now is that they have got to a point of realization of what is necessary, and people are not satisfied with the tempo of it now, and it has to go along faster.

The department has been doing what you have outlined already, and the development of education seems to be the root of the whole thing.

Mr. STAPLES: The discussions we have had with people in the department have certainly been encouraging. There are many people there we have talked with who certainly believe in a self-help program, and are doing what they can to move in that direction. My impression is the program needs or lacks clear direction from the top. I mean by that, at even higher levels than the department. This is just an impression, and it is difficult to find out really why nothing more has happened along this line than has happened through all the years. If you talk to the people working on it you are encouraged. If you look at the situation which exists you are not very encouraged. There has been a long time to work on this, and nothing much has happened along this line. I am speaking in general terms, and there are exceptions to this, of course.

We think the first thing that is necessary is a redirection of the program at the policy level, stating that Canada is setting out now in the direction of building self-help. There has to be some relief and there has to be some assistance in administration, and a lot of other things,—you cannot just cut it off. But from here on we suggest the program has to be a program of community and human development in the reserves, and that involves co-operatives and credit unions, but only in their proper place.

Mr. SMALL: Is not the problem, first, as far as the Department of Indian Affairs is concerned, the reluctance on the part of the Indian to accept these conditions; and then, also, from what we have checked up on this, the Indian himself did not react to any kind of regulation? He was opposed to any regulation, and thought it was a kind of coercion upon him; that anything that was done had to move in an element of coercion, and that progress was not as far as they would like it. They have got to a point where it is beginning to show results, and everyone seems to want to speed it up, but they need more money to do it.

Mr. STAPLES: Well, I am not sure the program has started in the sense we have it in mind. I know there are many encouraging programs going on, and many activities that could be fitted into it; and, to a great extent, what we are suggesting does not require a new program, but an extension of what is going on, a re-direction of it, and a re-dedication of it. I think that is what is needed more than something new, in the sense that this requires a lot of money and a lot of staff.

If the leadership coming from the national council we propose is to be successful it must have the kind of men who can succeed in working on a voluntary basis with many groups of leaders to harness goodwill, to focus



it and channel it in this direction—given this a great deal can happen. It is surprising, when people get an idea, how rapidly morale can improve; and leadership make its appearance. The potential leaders are there; there is no doubt in my mind about that.

It requires skillful, tactful understanding and intelligent leadership to draw it out and channel it into programs that will mean something. That is what we are asking for.

Senator SMITH: If I may make an observation here, nobody could fail to agree with what we have heard in the brief and recommendations that have been made. But I think there have been two conflicting factors come to the surface in the last remarks of the gentleman. He says it is designed to be a self-help program. I am all for that, and I think everybody is. We have had reason to come to that conclusion with many bodies that have met with us here. Then the other conflicting item is where he points out the need for somebody, or some source of leadership in this self-help program; and he even went to the extent of saying that it might have to come from higher than government—I think that was the remark.

Is this lack of a source of leadership from the Indians themselves, which is necessary if it is going to be successful as a self-help program—is it not related to the basic fear on the part of the Indians of relinquishing their aboriginal rights, rights which they may enjoy under treaties, and so on? It seems to me that is a very basic thing that we run into. There is a desire, and there is an ability shown on the part of the natives themselves, to a certain extent; but you run up against this fear of their losing something.

Mr. SMALL: That is right.

Senator SMITH: How are we going to overcome that? We have emphasized the need for education; but it looks like a long, long program. Is there anything that can be devised that would allay the fear of their losing something? If that could be done, it would speed up the interest and participation of the natives themselves in our municipal system of government, and in many other phases of life, that are necessary, if we are going to make them first-class Canadians, the same as these other groups.

I cannot help but compare the slow progress, and the slowness and fear with which the natives enter into the phase of leadership in their own affairs, with what you find in other groups.

Some members may have followed the program last night that emanated from Vancouver. It was the second of a series showing the progress that had been made by the Japanese since the war. I could not help thinking, watching that, that the great difference between what they have accomplished, and the problem with which we are grappling here, is the desire to hang on to something that they do not want to lose, what they refer to as aboriginal rights.

Mr. STAPLES: That raises a big question, Mr. Chairman. I do not think we should give the impression that the community development approach—that in order to attain that, or move in that direction, we are going to take something away from the Indian. The new program is an elaboration, an addition, an extension of the things that are good in the Indian communities now, much more carefully organized, much more effectively put together, involving collaboration, coordination, and so on, as I said a while ago.

But this should not be presented to the Indians—and I am sure it would not be, by the good people working at it—as a scheme that will get the government of Canada out of a difficult spot, a scheme that is going to save the people of Canada, through their government, some money or some responsibility, or something like that. This is a much broader and deeper thing, and I am sure that is clearly in the minds of the committee members here.

Mr. SMALL: I think what the senator said is absolutely correct. All through the discussions we have had here there has been that salient point from the Indians themselves, that they want the elimination of the non-Indian out of their councils as fast as it can be done. They want to be assured that they are not going to lose their way of life because they handle it themselves—and they are very jealous of their aboriginal rights and customs.

That has been one of the things that has made it so slow, to try and work that in. Whether the cooperatives would be a feature, I do not know. I do not say that you have not got the right attitude to go along with it; but there are these other angles of it that make it difficult to come to it quickly.

Mr. STAPLES: Yes, you cannot come to it quickly. But a cooperative, or credit union, can fit into that concept.

Mr. SMALL: The Indian wants it to happen quickly, because he has been a long time through this process and is getting fed up with it.

The JOINT CHAIRMAN (*Senator Gladstone*): This cooperative name would probably be a stumbling block. I think that community effort is a good thing. But what is lacking, I think, is this: we are dealt with collectively too much. If we were dealt with as individuals—this has been the experience in my time—on our ability to make a living ourselves, by our own efforts, that would be beneficial to us, and also to those who were inclined to follow in our footsteps. But for quite a while now we seem to have been treated collectively, instead of individually.

I go to the office when I am in debt, and I make my own arrangements as to how much is demanded of me to pay, how much time I would have to pay the balance, and so forth. For the last four years we have been dealt with collectively; each one has got to pay so much. He is not brought in to see about it; he has no say himself. He goes in there; he is not allowed to make any suggestions, and that is where the initiative is lost. They think, "Well, what is the use of my making an effort", and all that sort of thing.

I think the individual should be watched, and we should try to develop his ability to carry out his own business, and so forth.

Mr. STAPLES: Organization, Senator Gladstone, just goes on from where the individual leaves off. Cooperatives and the credit unions, and other types of community organizations, just do things that the individual cannot do for himself. It supplements the individual effort; that is what it is intended to do.

The JOINT CHAIRMAN (*Mr. Dorion*): I suppose you have some branch of discuss this problem with some leaders in the communities?

Mr. STAPLES: No.

The JOINT CHAIRMAN (*Mr. Dorion*): I suppose you have some branch of your movement on certain reserves—some branches of the cooperative movement?

Mr. STAPLES: On some reserves?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.

Mr. STAPLES: Yes, there are cooperatives, as reported by Colonel Jones.

The JOINT CHAIRMAN (*Mr. Dorion*): Yes; but I speak about the branches formed by the white man, but in the vicinity of some reserves where there is no cooperative movement. You do not believe that it would be a good thing to try to collaborate together and—

Mr. STAPLES: Oh, yes, there is a good deal of that.

The JOINT CHAIRMAN (*Mr. Dorion*): Because it is specifically from the economical point of view that your movement has progressed.

Mr. STAPLES: In a good many cases, of course. Ideally, the cooperative should serve everybody in the community—not only the Indians. And many do; they participate in the cooperative movement, just the same as anybody

else. But there are many places, of course, in Canada where this would not be an answer to the problem, where this is not the appropriate kind of structure.

It may be that on the reserves that have not had contact with the cooperative idea at all, they would be ready to accept and would understand more fully an organization of their own that has no outside influence, which is just something that is of the family; they can own it and control it 100 per cent. This might be easier.

The JOINT CHAIRMAN (*Mr. Dorion*): They are very open to that idea of cooperation?

Mr. STAPLES: Yes.

The JOINT CHAIRMAN (*Mr. Dorion*): Are there any further questions?

Mr. STAPLES: When you asked a moment ago if I had had the experience of discussing this with the Indians, I was assuming that you addressed that to me, personally?

The JOINT CHAIRMAN (*Mr. Dorion*): Yes.

Mr. STAPLES: We have had the benefit of the leadership and help, in the preparation of this brief, of many people in many organizations, who work closely with the Indian communities in Canada. Of course, the references show some of them.

Senator HORNER: First of all, there would have to be greater care than there has been, in some cases, in the selection of the man who is to head the cooperative. I have found that the great weakness, in some districts, is because an improper man is holding down the job. He is not suited for the job. However, if you find any fault with him, you are accused of opposing cooperatives generally. That is one of the weaknesses in the whole thing. I think they should be able to change their managers if, for any reason, he was not getting along in the community.

Mr. JORGENSEN: Fundamental to the success of the establishment of cooperatives is economic opportunity. I think you will agree there are a good many reservations which because of their location, would not provide the economic opportunity. What would you suggest in a case like that?

Mr. STAPLES: I am sure the situation does vary widely—and I am not sure where the responsibility of government lies. For instance, in the distribution of the supplies, the Indians need groceries and so on. How is it done now, in kind or in cash? Do they get money, and then spend it? If they do, here is a clear opportunity to organize a cooperative in order that, collectively, they could spend their money as widely as possible.

The JOINT CHAIRMAN (*Mr. Dorion*): You would be there to collect the money?

Mr. STAPLES: It is difficult for me to believe that there is not an opportunity for an organized effort of an economic nature, which is a cooperative or credit union, on the reserves, in practically every case. However, there are many problems on some reserves which it will not solve. I am not sure if I have answered your question.

Mr. JORGENSEN: The point I had in mind was this. We are certainly not thinking of them in terms of places to collect money that has been doled out to them by the government. I am thinking of the case of Norway House, where Mr. Stefanson pointed out that there are not opportunities for livelihood for any more than 150 Indians, and there are 1,000 living there. Surely you do not want them, as well as succeeding generations, to become dependent on the government for the rest of their lives.



Mr. STAPLES: This needs a broad program, and we suggest in the brief that economic surveys be carried on with this in mind.

Mr. JORGENSEN: It is being done at the present time?

Mr. STAPLES: Yes. The survey must precede, in order to find out what is there. We think it should be undertaken in cooperation with the Indians, so they do not misunderstand what is going on, and will be in a better position to accept the result.

Mr. JORGENSEN: Perhaps my question would have been more properly directed to Colonel Jones. Just what does the department have in mind in this regard?

Mr. JONES: Well, Mr. Chairman, we hope to obtain a wealth of information from this economic survey. In itself, it is not going to cure all the problems, but I think it will give us a scientific and accurate basis on which to operate a little better than we have before.

You mentioned a real problem, when you mentioned Norway House. If we go back to the good old fur trading days, when it was a stopping off place, there was no relief there at all. They had the first contact with the white man in that area, in moving the furs down to Hudson Bay. Of course, with the changes in transportation, it left a large group of Indians with only the fruits of the chase and the waters to exist on. It has proceeded from that situation to the present, where there is an economic vacuum at Norway House. There is some improvement. However, I think there is more to be done in the field of commercial fishing. We have had good cooperation from the province of Manitoba, in giving us almost exclusive rights for Indians in some of the neighbouring lakes. With fish filleting plants being established there has been a sign of some improvement. However, I would not want to go on record as saying I know the ultimate answer for Norway House. It is causing us a lot of concern, and we are trying to work out something for that large group.

The JOINT CHAIRMAN (*Mr. Dorion*): Thank you, Mr. Staples and Mr. Laidlaw.

Your brief was a very interesting one. I congratulate you for the way you have prepared it.

You can be assured that the members of the committee will take into consideration all the observations and suggestions you have made.

Ladies and gentlemen, the program for next week is as follows. On Wednesday, at 9.30 a.m., we will receive the United Church of Canada delegation. On Thursday, June 9, we will have the bands from Alberta: the Blackfoot band, the Blood band and the Saddle Lake band.

I believe you received the briefs two weeks ago. That will be the program for next week.

Third Session—Twenty-fourth Parliament

1960



Joint Committee of the Senate and the House of Commons

on

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone

and

Mr. Noël Dorion, M.P.

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 10

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WEDNESDAY, JUNE 8, 1960

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## WITNESSES:

*From the Board of Home Missions of the United Church of Canada:*  
Rev. E. E. M. Joblin, Assistant Secretary; and Rev. H. M. Bailey,  
Superintendent of Home Missions, Western Ontario.

*From the Department of Citizenship and Immigration:* Mr. H. M. Jones,  
Director of Indian Affairs Branch.

*From the Department of National Health and Welfare:* Dr. P. E. Moore,  
Director, Indian and Northern Health Services.

## MEMBERS OF THE COMMITTEE

### FOR THE SENATE

Hon. James Galdstone, <i>Joint Chairman</i> ,	Hon. F. E. Inman,
Hon. W. A. Boucher,	Hon. J. J. MacDonald,
Hon. D. A. Croll,	Hon. L. Méthot,
Hon. V. Dupuis,	Hon. S. J. Smith ( <i>Kamloops</i> ),
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

### FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, <i>Joint Chairman</i> ,	Mr. R. Leduc,
Mr. H. Badanai,	Mr. J. C. MacRae,
Mr. G. W. Baldwin,	Mr. J. J. Martel,
Mr. M. E. Barrington,	Mr. H. C. McQuillan,
Mr. A. Cadieu,	Mr. H. J. Michaud,
Mr. J. A. Charlton,	Mr. R. Muir ( <i>Cape Breton North</i> <i>and Victoria</i> ),
*Mr. G. K. Fraser,	Hon. J. W. Pickersgill,
Mr. D. R. Gundlock,	Mr. A. E. Robinson,
Mr. M. A. Hardie,	Mr. R. H. Small,
Mr. W. C. Henderson,	Mr. E. Stefanson,
Mr. F. Howard,	Mr. W. H. A. Thomas—24
Mr. W. H. Jorgenson,	
Mr. S. J. Korchinski,	

Quorum—9

M. Slack,  
*Clerk of the Committee.*

\*Replaced by Mr. Wratten after the morning sitting of June 8.



ORDER OF REFERENCE

HOUSE OF COMMONS

WEDNESDAY, June 8, 1960.

*Ordered*—That the name of Mr. Wratten be substituted for that of Mr. Fraser on the Joint Committee on Indian Affairs.

Attest.

L.-J. RAYMOND,  
*Clerk of the House.*



## MINUTES OF PROCEEDINGS

WEDNESDAY, June 8, 1960.

(25)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. with the Joint Chairman Honourable Senator James Gladstone and the Vice-Chairman, Mr. John Charlton, presiding.

*Present:*

*The Senate:* Honourable Senators Fergusson, Gladstone, Horner, Inman, MacDonald and Smith (*Kamloops*).

*The House of Commons:* Messrs. Baldwin, Charlton, Gundlock, Henderson, Howard, Martel, Small, Stefanson and Thomas.

*In attendance:* From the Board of Home Missions of the United Church of Canada: Rev. E. E. M. Joblin, Assistant Secretary; and Rev. H. M. Bailey, Superintendent of Home Missions, Western Ontario. From the Department of Citizenship and Immigration: Hon. Ellen Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs; Messrs. H. M. Jones, Director of Indian Affairs Branch; and C. I. Fairholm, Executive Assistant to the Director. From the Department of National Health and Welfare: Dr. P. E. Moore, Director, Indian and Northern Health Services.

The Chairman introduced Rev. Joblin and Rev. Bailey to the members of the Committee.

*Agreed,*—That the brief of The Board of Home Missions of the United Church of Canada be taken as read and included in this day's evidence.

The Committee proceeded to the consideration of the brief of The Board of Home Missions of the United Church of Canada with Rev. Joblin being questioned and supplying additional information thereon, assisted by Rev. Bailey.

Dr. Moore, Director of Indian and Northern Health Services supplied information on health matters.

At 10.55 a.m., the Committee adjourned until 2.15 p.m. this day.



## JOINT COMMITTEE

AFTERNOON SITTING  
(26)

The Committee resumed at 2.15 p.m., the Joint Chairman, Honourable Senator James Gladstone and the Vice-Chairman, Mr. John Charlton, presided.

*Present:*

*The Senate:* Honourable Senators Dupuis, Fergusson, Gladstone, Horner, Inman, MacDonald, Smith (*Kamloops*), and Stambaugh.

*The House of Commons:* Messrs. Charlton, Henderson, Martel, Robinson, Small, Stefanson and Thomas.

*In attendance:* Same as at morning sitting with the exception of the Minister.

The Committee resumed consideration of the brief of The Board of Home Missions of the United Church of Canada with Rev. Joblin being questioned thereon and supplying additional information.

Mr. Jones, Director of the Indian Affairs Branch, supplied information on related matters.

At 3.00 p.m., the Committee adjourned until 9.30 a.m. Thursday, June 9, 1960.

M. Slack,  
*Clerk of the Committee.*

## EVIDENCE

WEDNESDAY, June 8, 1960.

The VICE-CHAIRMAN: Ladies and gentlemen, we have a quorum. I think we should begin as quickly as possible.

We have with us this morning the board of home missions of the United Church of Canada. It is represented by Rev. E. E. M. Joblin, M.A., B.D., assistant secretary, board of home missions, and Rev. H. M. Bailey, B.A., B.D., superintendent of home missions, western Ontario. These two witnesses constitute the delegation before us today.

If it is agreeable to the committee, we will have this brief entered in the report as read. Following that, the Rev. Mr. Joblin or Mr. Bailey will make comments on the sections. We will question at the end of each section of this brief. I think it would facilitate matters if we did it that way.

Is that agreeable to the committee?

Agreed to.

(Note: The brief follows):

### OUTLINE

INTRODUCTION: Main points of emphasis.

1. Cooperation, between both government and voluntary agencies at all levels.
2. Responsibility of Indians in their own affairs; encouragement and opportunity.

### THE CONTRIBUTION OF THE CHURCH

1. The importance of religion in a society.
2. The church leads men to Jesus Christ:  
The dignity and worth of every individual,  
The power to achieve the best.
3. The United Church encourages local leadership and trains for responsibility.
4. The church provides trained leaders for Indian communities.

### COOPERATION

1. Economic development.
2. Social and cultural development.
3. Education.
4. Health services.
5. Administration.

### RESPONSIBILITY

1. Indians should be encouraged to share in all areas of cooperation.
2. Indians will assume responsibility if given the opportunity.

### THE INDIAN ACT

1. The Indians should be given the federal vote, without loss of rights and privileges.
2. There should be a department of Indian Affairs with its own minister and deputy minister.
3. Indians should have the right of appeal against decisions of the minister.
4. Provision should be made for more credit for responsible Indians and groups of Indians.
5. There should be clarification of the section on trespassing.
6. There should be a continuing research committee on Indian affairs.

### CONCLUSION

This brief in broad general terms;  
the need for flexibility in applying principles.

### A BRIEF ON INDIAN AFFAIRS

The United Church of Canada welcomes this opportunity of presenting a brief to the parliamentary committee on Indian Affairs. Since the board of home missions have been charged with the responsibility for the church's work among the Indian people, this brief will express the judgment of the board. There has been no opportunity to obtain the endorsement of the general council of The United Church of Canada. The general council has, however, approved the report entitled "Commission to Study Indian Work", copies of which have been supplied to the committee.

There should be no need to dwell upon the concern of the churches for the Indian people from the earliest days of exploration by the various European nations. The Methodist and Presbyterian Churches which, together with the Congregational church, united in 1925 to form the United Church of Canada, made a very significant contribution in those early years, when governments had not yet accepted their full responsibility for the Indians. Since 1925 The United Church has continued to serve the Indians through its evangelistic work, its schools, hospitals and marine work.

We rejoice that through the years the people of Canada, through their government, have assumed an increasing share of the responsibility which is rightfully theirs and with the resources at their command have greatly improved the services required. In more recent years other levels of government have become concerned and an increasing number of voluntary agencies have come into the picture. This extension of concern and responsibility is necessary and potentially good, although it has also added to the confusion and bewilderment of the Indian people.

**Cooperation.** Believing that the lack of effective cooperation is one of the most serious problems facing us in our work among the Indians today, the United Church, as one of the voluntary agencies, pleads for and pledges herself to cooperation between various government agencies and voluntary agencies at all levels of administration and especially those in the field who work directly with the Indian people. This cooperation must also apply to our relationships with the Indians if we are to help them help themselves rather than merely helping them to do what we want them to do. This will require a much greater measure of confidence in the capacity of the Indians for self-help and self-government than any of us have shown to date.

**Responsibility.** This brings us to the second major emphasis of this brief, namely the responsibility of the Indians for the administration of their own affairs. This implies not merely encouragement to take responsibility, but the opportunity to do so. In most respects these are provided for within the



Indian Act, although it may also be interpreted and applied in such a way as to perpetuate a policy of protective paternalism. The progressive transferral of responsibility to the Indian people will depend largely upon the policies and attitudes of all the representatives of both government and voluntary agencies and will require persons of understanding, with adequate training for and confidence in the democratic way of life as well as faith in the Indian people.

### THE CONTRIBUTION OF THE CHURCH

(The church can make its best contribution to the total program by being true to its own unique function in society.) A few aspects of this function should be stated briefly here to illustrate our conviction that the church is not merely another voluntary organization but one which holds up before men and women the highest ideals known to mankind and through faith in Jesus Christ provides the power to achieve them.

The church must continually remind us of the importance of religion in the life of any people. This is certainly as true of Indian people as of any other group and the unwillingness of some agencies to recognize this has frequently led to failure. Both individually and collectively, a people's sense of values, their ideals, their moral code and their patterns of social behaviour are based upon their religious beliefs. The church therefore has a unique responsibility and opportunity to serve the Indian people.

The Christian church offers the saving, redeeming love of God in Jesus Christ to all men regardless of their race or condition and is not exclusively identified with any "way of life" or civilization. As true Christians we must be convinced of the dignity and worth of the individual—of every individual. This conviction is a desperate need of many Indians who are caught between two cultures and have not yet been accorded their true worth by the dominant culture. The Christian church is vitally concerned with people in their social relationships, in the local community, in the nation and in the world. As a practical example of what the church has to offer in this field, we believe that in a personal commitment to Jesus Christ as Lord and Saviour, the individual has the only effective means of combatting the destructive influences of intoxicating beverages. Faced with an increased freedom to drink, the Indian can find in Christ the freedom and power not to drink. Individuals need the sustaining strength of fellowship within the church and the sense of belonging which it provides, but they need most of all a right relationship with God, the God revealed in Jesus Christ.

We believe that The United Church of Canada, by its traditions, its form of government and its emphasis on lay participation is particularly fitted to encourage and train the people for self-government and increased responsibility in their own community and in the nation. An important feature of our church's work among the Indians has been the leadership and activity of its Indian members, which have frequently persisted in spite of our inability to provide sufficient missionaries. The church has done more than any other agency in the past to prepare Indian men and women for positions of responsibility at the local level. It is therefore in a good position to emphasize this aspect of administration in the future. We earnestly suggest that government agencies should not overlook the church as an effective partner in any programs aimed at encouraging participation by the Indian people.

The Christian church at its best provides well-trained leadership motivated by the love of God and a selfless concern for the total well-being of the people. While we confess that as a church we have not provided leaders of this type in sufficient numbers, it is nevertheless true that the record

of our best men and women is an impressive one. The workers who contribute most to the well-being of the Indians are those who go the second mile, who serve beyond the demands of duty because of the love they have for their people. The church seeks to provide true shepherds who will lead their people in their search for the more abundant life. The servants of the church have, by reason of the above functions of the church as well as their own personal concern been able to come closer to the Indian people than any other group. If the church is true to its high calling this will continue to be true.

## COOPERATION

As indicated in the introduction, The United Church urgently desires a closer cooperation between all levels of the various government and voluntary agencies in the interests of a more effective program of development among the Indian people. Implicit in this cooperation is a closer partnership with the Indians themselves so that we may help them to realize their best hopes and plans. This cooperation should operate in a number of areas of life, such as—

1. **Economic development.** (The right to work and to a living wage with which to support one's family are basic to a sound economy and essential for man's self-respect.) Given this opportunity, most of the Indians would solve their own economic problems. Efforts already made to explore new sources of income and new types of employment should be expanded rapidly. By our combined efforts we are discovering a wide variety of occupations open to Indians. While much has been done in this area, progress has not kept pace with the rapid changes forced upon many groups of Indians by the loss of their earlier occupations.

New industries on or near the reserves could be encouraged, in some cases by offering leases rent-free for a period of years. Capable, deserving Indians find it too difficult to obtain credit, either for building homes, or for establishing themselves in business of any kind. The present revolving loan, though excellent as far as it goes, is quite inadequate to the need. Let us not assume too readily that all development must take place in the larger industrial centres—there are good reasons for bringing the opportunities to the Indians where they are. One of these reasons is the Indians' need for group solidarity in the family and the community as opposed to the emphasis put on the individual in our society, and the resulting isolation to be found in larger centres.

2. **Social and cultural development.** Although we must all recognize a growing responsibility toward the Indian people who are living in our towns and cities, our first concern must be for those still living in their own communities. Their adjustment to the new life in town can be more successful and fraught with less tragedy if our work is well done before they leave home. A paragraph from the report of our commission (p. 35) may illustrate our concern for community development and our emphasis on cooperation:

It is of the utmost importance that a spirit of goodwill and co-operation between church groups, government officers, medical services, law enforcement officers and business people involved be developed to replace the rivalry, suspicion and mistrust which have characterized so much of the work among the Indian people in the past. Such a revolutionary change will not come about merely by directives from headquarters but through the appointment of persons wise enough, big enough and sufficiently trained to give this kind of leadership in 'socio-economic' planning in each community. By our divisions in many com-

munities we have produced a confusion so complete in the minds of the Indian people that the efforts of the churches and even other groups are largely ineffectual. It may be that in losing themselves in the interests of the community, the churches would save themselves and rediscover their true purpose.

Some progress is being made in promoting cultural exchanges between Indian and non-Indian communities through sports, music, art exhibits and a wide variety of social events. The churches should be in a position to encourage this type of exchange, but we look for similar activity on the part of other voluntary organizations on the provincial and municipal level. The services of other organizations should be available at the request of Indian groups, who should be encouraged to become participating members (e.g. home and school associations in Ontario.)

A knowledge of their own cultural heritage is essential to the Indians to give them a sense of belonging, on a contributory basis, to the Canadian culture. This could begin in the schools, and should be included in the text books used by all Canadian pupils. Rather than wait for a whole generation, some means should be found of reaching teachers-in-training now and giving them some appreciation of the cultural background and present needs of the Indian people. Indians should be encouraged to develop new skills in the arts and to use them to express their own heritage; they should not be required to lose their identity in order to share fully in the cultural life of Canada.

**3. Education.** The position of The United Church with regard to the education of Indians has been set forth in the report of the commission already referred to. We recognize a responsibility in providing suitable staff members for residential schools as well as in finding qualified teachers for the day schools. Although responsibility for Indian education is now the government's, we count it a privilege to continue working with them in this field. In the residential schools we now provide a director of christian education and some assistance in extra-curricular activities.

We rejoice in the progress made in recent years in the educational program and in the increasing number of Indian young people who are taking secondary and advanced training. We are still concerned to see more practical courses on trade training, especially for the non-academic pupil. We would like to share in the developing programs for community development and adult education.

In our desire to promote equality of opportunity for Indian youth, we have cooperated with the Indian affairs branch in its emphasis on the day school, and in its development of public school education for Indian children. We have agreed also that Indian young people should receive their secondary school training with non-Indian young people, believing this to be in the best interests of the Indian people. Equality of opportunity implies the same kinds of schools with the same curricula and the same high standard of teaching and equipment. We believe that in many cases this has been achieved.)

We would express again the position taken by The United Church in its brief presented to the parliamentary committee in 1947, namely,—

( "... It is the considered judgment of The United Church that the time has come seriously to consider the establishment of Indian education on a completely non-sectarian basis. . . )

There are communities where the present system causes real hardship to Indian pupils and serious divisions in families. Recognizing the difficulties in the way of "completely non-sectarian schools", we nevertheless would welcome any opportunity to meet with other religious bodies and the branch for the purpose of finding a solution to this problem.



We have appreciated the opportunity of meeting with other church representatives and with the officials of the branch in recent years to discuss the new method of financing for residential schools. These discussions have been most beneficial and we would hope that similar meetings might be arranged to discuss other matters of mutual concern in the field of education.

**4. Health services.** The United Church is deeply grateful for the progress made in these services and for the remarkable improvement in the health of the Indian people. Contributing to this progress are several developments which have taken place in recent years,—the inclusion of Indian health services in the Department of National Health and Welfare; the inclusion of Indians in the various welfare benefits such as family allowances, old age and assistance pensions; pensions for the blind.

The United Church continues to operate a number of hospitals, most of which minister to the needs of Indians. The Indian health service pays grants for these services but these should be increased if the hospitals are to be able to provide medications and services equal to those provided for non-Indian patients in the same hospitals. Increased financial support for these hospitals has been made possible by provincial health plans and we would hope that many Indians who are able to do so will voluntarily participate in these plans.

Considerable progress has been made in the building of nursing stations and hospitals in remote areas. In this connection we would quote the following section from our 1947 brief,—

The United Church hopes that when such institutions, i.e. hospitals and sanatoria, are built, they will be operated by the department without any question of denominational affiliation. Our request is—

- (1) That the department build and equip as speedily as possible hospitals and sanatoria in all parts of Canada where such are needed for the adequate care of Indian patients.
- (2) That it staff these institutions with the best possible staff, chosen without regard to their religious affiliations and solely on the basis of professional capacity.
- (3) That it continue the policy whereby free access is allowed to representatives of all religious denominations to visit the patients of their respective communions, thus bringing the help of spiritual agencies to the healing of body and mind.

The churches should be aware of the difficulty of finding qualified personnel for these nursing stations of keeping them for any length of time. It should be possible for us to assist in recruiting dedicated people for this work since mere altruism or the desire for adventure are not enough. Here is another area of cooperation between church and government and one in which we in the churches have not been equal to our opportunities. Too many of the nursing stations in remote areas have been left vacant, leaving communities without regular medical attention.

**5. Administration.** Before making some observations of a general nature about the administration of Indian affairs, we would like to express our appreciation of the courtesy and cooperation accorded us by the officials of the Indian affairs branch at all levels. We are grateful for an atmosphere of mutual respect when we meet for consultation and for the real concern and abilities which these men and women bring to their work. Our comments are of a general nature and are not intended as criticisms of specific individuals.

It can be both the weakness and the strength of the Indian service that officials see their responsibility as one of "administering the act". (If a man lacks vision and imagination or the flexibility to exercise them, if he operates only by the letter of the law and is unwilling to venture beyond what

he is instructed to do, the real purpose of the Indian Act will be thwarted and little or no progress will be made. If, however, he sees his position as an opportunity to serve the Indian people within the framework and intent of the act, if he is willing to use his training and judgment to adapt broad principles to his own situation, and if he is allowed some freedom by his superiors to do so, the administration of the act, even as it now stands, can accomplish many things we all want for the Indian people.

For the purpose of more effective administration of Indian affairs, there could be more frequent attempts on the part of Indian affairs officials at all levels to enlist the cooperation of other organizations, both government and voluntary. It might be possible to set up an advisory committee for the superintendency, the regional office and at the national level, which would bring together specialists from various social and welfare services and those in education, health, agriculture and industry. It is imperative that the Indians be well represented at each level and that the emphasis be placed upon making available to Indian communities those social, cultural and welfare services which other communities enjoy, along with technical assistance in meeting their practical problems.

### RESPONSIBILITY

In emphasizing cooperation in the preceding section, it was stressed also that Indian people themselves should be included in every possible way in the activities of the various organizations, not only in the local community but at the municipal, regional and national levels. This kind of participation is a prerequisite for the next step, which is to bring more and more Indians to the place where they will voluntarily and quite naturally accept responsible positions in undertakings with which they are familiar and which they feel to be their own.

This emphasis on a greater share of responsibility being given to the Indians is by no means a new one. The Indian Act and the Indian affairs branch have accepted the principle and considerable progress has been made in this direction. We are fully aware that the principle cannot be applied to the same degree in all areas or at the same rate, but we believe it must be kept before us constantly, for we are prone to do things for people which they could do for themselves.

We are convinced by long experience that most Indians are more willing to accept responsibility than we are to give it to them, but they must have the opportunity to grow into it as anyone else must do and not have it thrust upon them too suddenly. It is therefore especially important to have wise leadership at the local level where people have their earliest experience in accepting responsibility and where they can breathe the air of freedom and self-government. Such experiences should be found in the home, the school, the church and in a wide variety of community activities.

There is a widespread acceptance of the principle (of self-help and participation) but too many of us in both church and government service are constitutionally incapable of giving Indians the opportunities they must have to become self-reliant and to prepare for responsibility. We lack patience and an appreciation of the capacities of our people; we lack faith in democratic processes; we lack humility to value another man's opinion or to share the credit for our achievement; we lack training in psychology and group dynamics; we prefer to manipulate people to realize our purposes instead of guiding their own thinking and feeling into constructive channels.

It is largely a matter of personnel—the right spirit, the right attitudes, the right training and skills. We do not lack for good programs but for people who can carry them through. We must have people who are willing to fail and try again and who will not shield the Indians from the consequences of their own mistakes. We must have people who know about the laws of growth and

of learning and who can become skillful at guiding these processes. We need people in the various government services who are of good character and who, when in the limited confines of a remote outpost are willing to discipline themselves and represent the best Christian standards of behaviour among the Indian people. The impression made by the government through its Indian Act or The United Church through its statement of faith can be no better than the persons who represent us.

### THE INDIAN ACT

Up to this point, this brief has concerned itself primarily with improving our services to the Indian people within the framework of the Indian Act. For the church, this is uppermost in our minds, believing that individuals can be led to live as devout and faithful Christians within the law, even when that law is imperfect. Nevertheless as a church we also have a responsibility in the matter of making the laws of the land just and equitable so that all our people may be able to realize the highest and best life of which they are capable.

Therefore, although we are not prepared to go into detail in the matter of revisions to the Indian Act as others have done (e.g. The Hawthorne report, the Lagasse report, The Canadian Bar Association and the Indian-Eskimo Association), we feel obliged to indicate certain areas in which changes should be made, either in the act itself or in the application of the act. We believe, however, that no revisions should be made which would necessitate the abrogation of any treaty or agreement made with the Indians. Moreover, before any changes are written into the act, responsible organizations of Indians should be given an opportunity of discussing them and expressing their opinion of them.

In the matter of the Indian Act, it is the opinion of the board of home missions of The United Church of Canada that,—

1. Indians should be given the Federal vote now, without the loss of any of the rights and privileges of their Indian status. They should be voting citizens by right—the responsibilities are more likely to be assumed voluntarily in time as a result of their citizenship than when imposed as a condition. This right has been accorded to veterans, why not to all? Moreover we would hope that the provincial vote will also be given by those provinces which have not already done so.
2. Indian affairs should continue to be a responsibility of the federal government but section 3 should be revised so that instead of being administered by a branch of the Department of Citizenship and Immigration, there will be a department of Indian affairs with its own minister and deputy minister. The latter should continue in office regardless of changes of government to offset the frequent changes in the office of the Minister.
3. Indians should have the right of appeal against decisions of the minister which, in the opinion of one party may require the interpretation of the law. However well intended or well applied, the powers given to the minister by the act arouse resentment in the Indians and in non-Indians who are familiar with prevailing practices among the non-Indian population. Section 47 should be expanded to apply to other phases of administration. It is unnecessary and perhaps unwise for us to attempt to recommend the court or courts to which appeals should be made.
4. The means should be provided by which responsible Indians may obtain credit more easily and in amounts commensurate with their needs.



- (a) Consideration should be given to removing those financial disabilities arising out of their Indian status (by reason of which they are unable to obtain loans locally.)
  - (b) The provisions of section 69 may have to be expanded to provide for larger amounts for government loans. The present revolving fund is good but inadequate.
  - (c) Under present regulations many councils should accept greater responsibility for the use of trust funds and the interest thereon and for the granting of credit to their own people. In the case of councils which do not have funds of this kind, consideration should be given to providing funds for their administration.
5. There should be some clarification of sections 30 and 31 regarding trespassing on reserves. We would hope that these sections would not be interpreted in such a way as to prevent the type of contact with non-Indian organizations referred to in the earlier part of this brief. We would assume that such activities should be with the consent of the Indian community, and preferably on their invitation. However, the act provides no definition of "trespassing" or guidance as to how this safeguard is to be used for the best interests of the Indian community. The relationship of voluntary organizations (including the churches) to the Indian band council and the community is not clear. As a result, some very helpful and "desirable" groups may hesitate to share in Indian activities.
6. Provision should be made, within the act if necessary, for a continuing research committee or commission, which would make available to those involved in administration the best results of research in such fields as the social sciences, economics, education, health and many others. Some worthwhile lessons might be learned, particularly in the area of economic development, from the work of the United Nations among other peoples throughout the world. The magnitude and complexity of our task can so easily prevent us from learning of better methods and new truth. The good is often the enemy of the best.

### CONCLUSION

This brief has been written in broad, general terms and deals mainly with principles. We are aware of the infinite diversity in the conditions under which Indian affairs must be administered and the impossibility of writing an act which will provide sufficient detail to meet every situation. It seems to us therefore, that within the scope of this brief we must run the risk of appearing to evade many specific issues which are very real to those whose duty it is to interpret and apply the regulations. We can but hope that the men and women in the front line will be allowed a large measure of flexibility within the principles and purposes accepted for the administration of Indian affairs, and that those of us who must work in and from our respective headquarters will ever be sensitive to the needs and problems, the aspirations and accomplishments of the Indian people and those who work among them.

The VICE-CHAIRMAN: Mr. Joblin, I believe you are going to be the spokesman.

Rev. E. F. M. JOBLIN, M.A., B.D., (*assistant secretary, board of home missions, United Church of Canada*): Yes.

The VICE-CHAIRMAN: Mr. Joblin, I would ask you to proceed at this time. You can make whatever comments you wish, as you go along, and we will question at the end of each section.

Mr. JOBLIN: Mr. Chairman, Mrs. Fairclough, Senator Gladstone, ladies and gentlemen; this, as you will see, is a brief brief, and I have tried to make it even more brief by adding an outline at the beginning, in the hope this would at least be read. As the reading of the whole brief would take too much of our time, it has been suggested that we make comments section by section, and then we will do the best we can to answer your questions.

I would like to say at the beginning that it is somewhat difficult for me to undertake a brief in which we presumably would be suggesting to the government of Canada and the Indian affairs branch ways and means, methods, policy, and so on, in the matter of Indian affairs. I have been concentrating for a good number of years on the responsibility of the church, and trying to think in terms of what we as the church should be doing. To get myself geared to thinking of suggestions for some other body, was a bit difficult.

In this, I have tried to suggest this is a problem in which we are involved together—and the bit of symbolism on the cover of the brief is intended to suggest this; that it is a work in which both the government and the United church are involved. (We have many mutual concerns and problems, and I think that we, together, should face up to some of these problems.)

In this regard, we have tried to make two points of emphasis, which I suggest in the introduction. First of all, cooperation; not only between the various government branches and the church, but also between other voluntary agencies on reserves and in communities adjacent to reserves, as well as agencies at provincial or municipal level and church voluntary agencies—and that the need of this or that is for a closer cooperation and understanding of one another's aims and purposes.

Included in these emphases, we hope to bring out the need for closer cooperation also with the Indian people on each and every level and, perhaps, especially at the local level in the community. Therefore, the one emphasis is cooperation.

The second emphasis is increased responsibility given to Indian people in their own affairs—encouragement, and an opportunity to take part. This is not new; we are not suggesting this is not already an emphasis of the branch and the government, because there are many evidences that it is. However, we are just trying to reinforce some of these points of view of the church, and to pledge ourselves to that kind of cooperation.

Mr. THOMAS: I wonder if I might ask Mr. Joblin a question in connection with the very last sentence in the introductory remarks, at page 2, which reads as follows:

This extension of concern and responsibility is necessary and potentially good, although it has also added to the confusion and bewilderment of the Indian people.

Will that general statement be dealt with later on in the brief? If not, I would like to have a little enlargement of that at this time.

Mr. JOBLIN: Perhaps it would be well to make a remark on it at this point.

The thought in my mind—and I think you are probably asking about the matter of confusion and bewilderment, and as to how this can come about.

Mr. THOMAS: Yes.

Mr. JOBLIN: My thought was simply that with the increase in voluntary agencies taking an interest in a community, perhaps without any attempt to coordinate their efforts, this can sometimes be confusing. It can be confusing even in the matter of churches and other voluntary agencies. It sometimes can happen that with a great number of groups or individuals becoming interested in the welfare of any certain community there could be, in a sense, too many involved on occasions, and that once again, the need is for cooperation between

such groups in order that there might be a common purpose involved, thereby getting rid of the confusion that will arise from such a large number of different interested parties.

Mr. THOMAS: Well, there is no implication there that what is being done at the present time by the various interested agencies is confusing to the Indians.

Mr. JOBLIN: I think there is some implication there. For example, I am speaking of the churches as one type of voluntary organization. We, as churches, have produced a good deal of bewilderment on a denominational level, let us say, among people, by our many divisions. I think it is fairly obvious—and I prefer to speak only in terms of our share in this. It can happen between other groups as well. It seems to me, in working in the community, with the great need there is for assistance, some way of bringing these various persons or groups together, and getting a common understanding of what they are attempting to do, rather than each going his own separate way, would be very beneficial.

Hon. ELLEN L. FAIRCLOUGH (*Minister of Citizenship and Immigration*): How do you think that could be done? Undoubtedly, if a great many people get into one line of activity, there is bound to be a certain amount of confusion. However, these people all mean well, and I do not think that we at the departmental or governmental level can say to any of them: you desist, co-operate, or come into an integrated organization, where we each can take a part of the load. Do you have any ideas how their efforts might be coordinated?

Mr. JOBLIN: I think this is mentioned again when it is developed a little further on—but this is as good a place as any to mention it. I think the feeling is that this might be accomplished in the program, which is being referred to, I believe, as community development. I think others have mentioned that possibility. The feeling is that these various persons or groups could very well find a common ground in working toward a community development program, and that even our various branches of the Christian church might lose themselves, in a sense, in a development for the community and, for the time being at least, forget some of their differences. This would involve some capable person who had some training, perhaps, but at least some skill, in bringing people together in that way, as a planning group, let us say, for each Indian community. Whether it would be the Indian superintendent or whether it might be someone from the regional office, or a social worker, I do not know; but someone at least who would go into a community and invite these people together, and try to draw from them their experience and any contribution they might make to a common task.

Senator HORNER: Mr. Chairman, in connection with the remarks concerning the confusion and bewilderment of the Indian people, I think one of the confusions is directly typical of churches—our various so-called members of the various churches failing to live up to anything that even an Indian could regard as a Christian life. They take, quite literally, the mad rush of our people to acquire and amass fortunes. In so far as the Indians are concerned, it is an injunction to take no thought of tomorrow; tomorrow will take care of itself—sufficient unto the day is the evil thereof. He experiences confusion, as he sees others going about acquiring wealth. He is satisfied to live from day to day. I think that is one of your main confusions, so far as the church and the various religions are concerned.

Mr. JOBLIN: I am inclined to agree. One of these points of confusion could be the variance between the two representatives on the question of religion, and the rather overpowering influence of those who are disregarding the principles and going their own way. There is certainly confusion there in the minds of the Indians.



The VICE-CHAIRMAN: And not only among the Indians! Are there any further questions?

Mr. THOMAS: I wonder if Mr. Joblin could give us even one specific instance of what is meant by this sentence?

Mr. JOBLIN: Well, it is a bit difficult to do that without bringing personalities into the picture, since my own rather intensive experience with Indian people and communities has been limited to one area over 25 years.

The VICE-CHAIRMAN: I think it would be a bit embarrassing.

Mr. JOBLIN: It is a general situation which I have reason to believe does exist and which I think could be remedied by the people just coming together more than they do, and talking the matter over together. I think that is what is needed; and when I say "talking" I am implying now all the Indian people. It is especially important that the Indian people at every level should be included in this investigation, or in this looking at the need of the situation. I do not think I intended it to employ really more than that.

The VICE-CHAIRMAN: Have you any further questions on this section? If not, please proceed.

Mr. JOBLIN: The contribution of the church is merely an attempt, in a very brief compass, to suggest that as a church we believe we have a distinctive function to perform which is, in some respects, different from that of other voluntary organizations. We believe that the church has it, within its power, if it is true to itself and to its founder, to bring to people not only the higher ideals for life, but also the power to achieve them. In a sense we cannot think of the church as just another voluntary organization, but in a very special sense it has its own unique character, its own unique contribution to make, as well its function as a church.

This brief points out the fact that the church feels that this is an area in which we could have a contribution to make. Specifically probably it is in the realm of the attitudes of the non-Indians towards the Indians, and vice versa. The church in its impact ought to have some bearing on the attitude of the Indian people to the non-Indian people, such as their willingness to work together, or their willingness to accept one another as persons and as people; and that in the church, ideally at least, there ought to be the seeds of cooperation.

Surely if there is any place where there should be the seeds of cooperation, it should be in the church, but in actual practice this does not always happen. However, ideally we should be able to lead people individually and as groups into closer cooperation for the common good, and that as a church this should be one of our peculiar functions.

We did want to emphasize, too, on page 5, in the last sentence of the top paragraph, that because of the church's position in the community and because of its relationship to the people—again assuming that it is a proper relationship—that the church ought to be an effective partner in any programs aimed at encouraging participation by the Indian people.

Our own church, so far as Indians are concerned, arose to quite an extent out of Methodism; and this method of church government through the years has encouraged the participation of the people, through its various types of leaders and its organizations. I submit that in this way at least the church has been working at this business of bringing people along to assume responsibility—on a very small scale, it is true, but at least it is there—and responsibility at the level where the people are.

So for this reason we would hope that when programs are planned for community betterment, that the church would be thought of as one of the partners, just as much one of the partners, in a sense, as in a community, and

that as a partner the church has something to offer in terms of its experience in the past, and also its peculiar emphasis on the life of the people.

This, I think, has not always been the case; and there are times when this, perhaps, is our own fault. If we want our men, our representatives to be treated in this way and used, we must provide the kind of men who could fit into this kind of program, and who have a contribution to make. I mean better trained men.

But on the other hand in the past there has been a feeling about ministers in some areas that they are expected to stay in their own little corners, and just to mind their own business. If you send trained men, after six or seven years of college, who have some conception of community betterment, and of what is needed, and they are looked upon as men who do not have much part to play, it becomes a bit frustrating for such men. But if you give them the right kind of men, and leadership by the church, we simply urge that they be encouraged in this partnership in a local area, to work on problems for the betterment of the community. I do not think I should hold you too much longer to that, unless there are questions.

The VICE-CHAIRMAN: Are there any questions on this section? If not, let us go on to "Co-operation".

Mr. JOBLIN: We, of course, have been discussing this section already. I have portrayed it under five headings: first of all, economic development.

I think I should merely point out that the church is vitally concerned in economic development for the Indian people. I fail to see how we could avoid being concerned. The church is concerned with the whole of life, the whole well being of the whole man; therefore the church is concerned in his economic development, and we hope that more could be done in this area.

I believe that the brief presented by the Indian-Eskimo association—in which I participated to some extent—emphasized this point as well: I mean the need for study. Some study has been done, but there is needed even a more intensified study of possible means of development for the economic life of the people.

And then, of course, there is the social and cultural development which is also a concern of the church; and it is in this section, on page seven, to which I referred earlier, that there is the thought that it could be that in this kind of cooperative effort voluntary organizations, including the church and everyone concerned with the community might well find themselves on common ground and to be able to settle some of their differences. It is in this area of social and cultural development in the community that there ought to be the closest cooperation; indeed it could be the means of giving the church perhaps a truer perspective in the community instead of working away as a little isolated group in itself.

Senator HORNER: In respect of this point of good will and cooperation, between church groups, as you represent the same church to which I belong, I would like to say it is my belief that we could create that spirit of good will in the public schools which have been built by government participation by having them nonsectarian and non-religious, except perhaps to the extent it is agreed on between all denominations, and have religion strictly taken care of on Saturday, Sunday and in the evening. I very strongly feel that public schools should be non-religious and that practical education should be taught.

Rev. Mr. JOBLIN: Thank you, sir. We have that in here at the top of page 9. That has been the emphasis in our previous brief of a few years ago and also in this one. We quote here from the previous presentation of some years ago:

It is the considered judgment of the United Church that the time has come seriously to consider the establishment of Indian education on a completely nonsectarian basis.

Senator HORNER: I did not notice that.

Rev. Mr. JOBLIN: We have declared ourselves on this on several occasions. At the same time, however, we do recognize that there are some pretty real difficulties in the way. We state here:

We would welcome any opportunity to meet with other religious bodies and the branch for the purpose of finding a solution to this problem.

So far as the public schools are concerned we have cooperated with the department in the closing of quite a number of our residential schools. The number has gone down from thirteen to six. One of the schools is in Muncey. I participated in this. It was made a day-school system and since then we have not taken any official part in it. When I left the school system in 1957 we did not any longer even ask for the privilege of nominating the principal; we just withdrew. We have 500 pupils at Muncey, which is a school system under the department. The high school pupils go to London. This has been our policy. We would like to see them nonsectarian. There are areas in which it creates difficulties in respect of Indian children having to go a long distance to school when otherwise they might go nearby. I think we are quite in sympathy with your point of view.

Senator HORNER: Thank you.

Rev. Mr. JOBLIN: Education, of course, is one of the major fields of interest, even though I have not given it a very large part here. It is included under the general heading of cooperation. I already have intimated that we are very anxious to cooperate in this with the Indian affairs branch. We have accepted the proposition that for secondary school education at least they should attend non-Indian schools. In every case we are cooperating with that principle and policy. Our pupils in the residential schools—all except Norway House where it is impossible—are attending school in the town schools to the fullest possible extent. It is moving quite quickly that way. We believe there should be more attempts made to work together in a combined type of school. There are one or two experiments under way, but there is really not enough evidence to decide whether or not they are working. I think, however, that it will work eventually.

I think perhaps there is one point of evidence I would like to make in the area of education before we leave it. There seem to be two main points in which we should be concerned. One is that there should be sufficient accommodation in the coming ten or twenty years for young people who need high school education. The number of high school pupils I am quite sure will multiply very rapidly, and is doing so. To be able to keep up with the need for living accommodation, whether it be in separate residences or otherwise, will keep us very busy in view of the very rapid increase. Here again we would like to cooperate in any possible way with the department in operating any such residences which are needed, if that is to continue to be done in cooperation with the churches. We are not insisting it be done that way by any means. If, however, it continues to be operated by the various churches, depending on the area served, we would be happy to work on this type of thing.

The other thing with which I am concerned is the need for technical training for many of the young people. It is not possible or reasonable to expect all these young people will be able to avail themselves of the regular high school program. In any group of children, Indian or non-Indian, there are young people who, for one reason or another, are not able to take the full high school curriculum and who for that reason will drop out; some of these young people may become delinquents because normally they are not able to complete the normal school program.

I would like to see greater emphasis on training in the trades for what I call the non-academic pupils. It may not be too soon to suggest that if there was an



opportunity for some school to be used for this type of program for the non-academic pupil we would be most happy to cooperate in a venture of that kind. We have a school at Edmonton, the future of which is quite uncertain under present conditions. I would hope we could take a look at this and say that here is a school which might be used for some such experiment.

There was a very interesting paper which came to my attention. It described an experiment which was undertaken in Saskatchewan on behalf of some twelve young people in Regina, I believe, who were unable to complete their public schooling. They were given special help to catch up by a young lady teacher. I believe I read this in a publication of the Saskatchewan government. It is a most worthwhile experiment in this kind of thing. There are many young people who have not had enough schooling and who may not have the capacity. These are the ones about which I am concerned.

Senator HORNER: You mentioned something about the difficulty in going on to university and technical training. You also mentioned something about providing a hostel for them. Many of the members of the committee keenly feel that a wonderful spirit of cooperation by the towns and the cities would be for the homes to be opened up to Indian children. It is the belief that that would be much better for the children. If they were taken into the homes, possibly where other children were attending schools, it would be one of the greatest acts of good will and cooperation that others could offer. It would be much better for them than living in hostels. That is the opinion of a great many members of the committee. Where they will be segregated by themselves they would not have the same opportunity to attend school which exists in a purely mixed school. If they were in a home of others, that would be the greatest stumbling block accomplished to their advancement.

Mr. JOBLIN: Mr. Chairman, in suggesting residences or hostels, we were assuming, I think, that these would be so placed that at least the school program would be integrated. That is to say, they would not be set up some place where they would be kept apart in school, but in places where the public school system would accommodate them. This would have to be a basic assumption, I think.

In the second place, I agree, but if there were homes enough available they would be preferable. However, I have very grave doubts, with the number there is going to be in the next few years, whether any community is going to find enough. It could be a parallel approach and should be explored, certainly, but I am very doubtful if the total number of pupils would find enough accommodation.

Senator HORNER: I think it could be raised. Others find boarding houses and places, and I think it could be accomplished if there was an effort made and a doctrine preached that it was the proper thing to do.

Mr. JOBLIN: It would depend a little on the size of community and the relative size of the Indian population. I have just come from Prince Rupert, where we had to make a study of the situation, and it would seem to me this particular point, at least—with the tremendous number of native or Indian people that centre around Prince Rupert—would be quite unable to cope. Other than concerning size, it could be possible. It would depend, to some extent, on the relative population of the two peoples.

The VICE-CHAIRMAN: Is this not largely for secondary school children?

Mr. JOBLIN: Yes, that is true.

Mr. THOMAS: Would the cost not enter into a plan such as that?

Mr. JOBLIN: Yes, of course. The capital cost of a residence or hostel would be involved; whereas in having them board with others, I presume it would be a per month rate paid, and this rate would be involved, even if you had a building.

I might just say we are pleased with the type of residence that was provided at the Alberni school on Vancouver Island for senior high school young people. They share these co-educationally, and do most of their own work. They have their own dining room, their own common room, and so on, and have a marvelous opportunity to grow up together as young men and young women; and they go to Alberni, to the senior high school.

When we are thinking of the same kind of residence, it is something along those lines, with the smaller rooms for the senior people, instead of dormitory accommodation. It seems to us there is going to be a need of at least a few such residences at some points, if we are going to keep up at all with the number of pupils.

Senator HORNER: For all pupils, both Indian and non-Indian, that would be better still?

Mr. JOBLIN: Yes, that is true.

The VICE-CHAIRMAN: Any further questions?

Senator SMITH: Just on that point, while we are thinking of dormitory schools, that system is pretty well developed in British Columbia, and I am wondering if there is a resistance against the admittance of Indian children into these dormitories. We know there are a lot of Oriental people, particularly Japanese, and there is quite a Japanese school population. They have integrated pretty well, and there does not seem to be the resistance and difficulties there were when the Japanese first came into British Columbia.

Is this a problem as far as the Indian children are concerned? Is there still a feeling existing among the whites that makes it difficult for Indian youngsters to get along in the dormitories?

Mr. JOBLIN: We do not have too much to go on in terms of dormitories, because up to now it has been pretty well all Indian. We do not have much to go on in this respect.

We do have one example of trying to work out this program in a small residence operated by our women's missionary society, where we wanted to follow this principle of including Indian and non-Indian children in the same residence. We have one example, I am very sorry to have to admit, where the non-Indian girls withdrew during the course of the year. This is a sad admission to have to make, but it is one of the things we must face, and, after all, this is one of the tasks of the church.

We are trying to negotiate now with the department on one or two residences we have available. They are almost—I will not say “insisting,” but laying it down as a principle, that if these are to be used they should be used for the non-Indian as well as the Indian; they want them to come together. But how are we going to guarantee this can be done when, in a situation like that, you find the non-Indians decide not to attend that kind of place? This is where much work is needed. I do feel the residence is going to be needed for a time, as an interim measure at least. With the Indian young people, the total emersion in a strange way of life, which is involved in a home situation, plus the school situation, is a pretty tremendous change. There is something to be said for them at least having some fellowship of their own type together in living quarters, and for integration to take place in the school situation. This ought not to go on, perhaps, but unfortunately for many young people it is less a shock for them to adjust themselves to the home situation, which is totally different in so many cases, and to become accustomed to some of our peculiar ways than, at the same time; to have to adjust in the schools.

There is something to be said for an in-between measure for them, to have some solidarity of their own group consciousness. I do not say it is necessarily ideal, but it seems to me that for a time this might have to continue.

Eventually we would hope it could be integrated more completely, but many of them do find it quite an adjustment, to go into one of our homes; and it is not all their fault. It is often the lack of understanding on the part of the people in the home. In fact, it is more often that.

Mr. THOMAS: I would like to ask Mr. Joblin if he thinks that as the elementary school facilities on the reservation are brought more up-to-date and are made more modern, that will not be a factor making integration with society off the reserves much easier for these people, who have to go out, leave the reserve, and go into the world?

Mr. JOBLIN: Yes. I do not think there is any doubt about that, Mr. Chairman. We can see this going on.

Mr. Thomas opened a new school on behalf of the department in my own area just last week. It is fairly obvious to one who has been there over so long a period of time, to see the change which has been made in the children themselves and their resistance to moving out into the field of education with other people. There is no doubt in my mind this is so. The improvement of the day school system has made a tremendous change in the whole attitude of the children, in their readiness to step into the public school system when the time comes, their openness and their ability to meet other people.

There has been, in even the past ten years, a change that has been really outstanding. It is very encouraging to see the schools and school systems which have been provided since the last war. I have had a chance now to see it across the country, and it is most encouraging, because there has been a tremendous accomplishment in the day school system. The children look different. I can show you pictures. There is altogether a different attitude to life of these people.

Mr. THOMAS: Then would you say, with regard to this item under education, that education of the Indians is probably the greatest factor in integration?

Mr. JOBLIN: This is certainly the most obvious factor and the one which most people can get hold of and do something about. It is a little bit too much to expect a representative of the church to admit that education is the first thing. I have found this in my own experience: I switched over from the ministerial into the school system for a certain situation, to set up a certain type of school system at Muncey, and I have not regretted it by any means, because there are all sorts of good results from it. But it seems to me that I did come to the point where I found there were certain limitations in what education could do for people. The home is involved, and we ran up against the limitations that the home would set with regard to what we could do with children. There is somebody else who has a great deal of responsibility towards the children— and the church should be in there. It is a case of the parents and the home, and the inter-play between school and home for these children.

You can hardly expect me to say that education is the top. I have been in both fields. It is certainly vital; and yet I have to say to my ministers, at least, that they have a function to perform too which is at least equally as important as the field of education. Of course, taken in its broader sense, education really can include the whole thing. But to most of us the educational field is one in which we can cooperate, perhaps in a better way than we could in the religious field, I feel.

In going into the school system at Muncey, for example, instead of representing one group, one religious denomination, as the dean in charge of the whole school-system I had a chance in regard to the whole: there was a chance to bring people together. In the interests of their children, they could forget



the denominationalism—and I think they did at Muncey: they made it a cooperative thing. It offered opportunities for cooperation which we lacked, actually, in the church.

I am sympathetic to the view, as the Indians, have accepted it, I think, so much now, that education is the answer; but I do want to make that qualifying statement, that it cannot do it alone.

Mr. THOMAS: I was not suggesting, Mr. Chairman, that spiritual things should be left out of the integration of the Indian.

The VICE-CHAIRMAN: Are there any further questions on education, ladies and gentlemen? Health services.

Mr. JOBLIN: Mr. Chairman, we have not given as much space to this as was done in the former brief years ago. We still have a number of hospitals which serve Indian people, mostly in British Columbia. There are four of them, which serve all classes of people, all groups. And, of course, as you know, they are now pretty much under the provincial health services. They are still operated by the church, with a major part of the financial support coming through these health plans of the provinces. As far as I know, this co-operation is working out very well. The department contributes to our church, our board, on the basis of the number of patients treated.

I think I should say this, however; that I found, when I visited the hospitals, that there was, on the part of doctors, the feeling that the provision, especially in terms of medications, was frequently inadequate. I think this might be looked into. This was almost three years ago, and it could be different now. But it was frequently inadequate in this way, that they were finding that the medications provided for the use of Indian patients did not always come up to the standard which was being provided by the provincial system. Sometimes the doctor, in order to give his Indian patient the best, was taking it off these shelves over here. Being unwilling to make any difference in the treatment of the patients, they were using supplies from the other side of the cupboard, if you understand what I mean.

I think that perhaps this could be examined, as to whether the provision being made for Indian patients in hospitals is on a par with what is provided for other patients in the same hospital. I am not prepared to go into detail on this; I am just suggesting that it is something we might look into.

Mrs. FAIRCLOUGH: Do you think this is general, Mr. Joblin, or do you think that it refers to one specific province?

Mr. JOBLIN: So far as we are concerned, it is one province, because our hospitals serving Indians are now in British Columbia. It could be just one province; but that is all I know anything about. The doctors are very reluctant to make that difference between patients. We know that medications are very expensive—perhaps I should not make that statement; but it would seem that they are. Doctors want to give the same kind of treatment to all patients alike, whereas the supplies are not the same, apparently, in some cases.

Mr. SMALL: Would not the Indian be the first to notice that, if that kind of treatment was going on in the hospitals? If that was the attitude with regard to medicine, that there was a difference between the non-Indian and the Indian with regard to medication and medical services, the Indian would be the first to notice that?

Mr. JOBLIN: Yes, certainly. I do not see how it could be kept from them.

Mr. SMALL: They have a basis for complaint there. This is the first time we have had an admission by anyone that such a thing takes place; but fortunately, as you said, this is only in one province.

Mr. JOBLIN: That is the only one of which I have knowledge. Over the period of three years, of course, the situation could have changed.

Senator HORNER: Mr. Chairman, I believe Dr. Moore would like to say something.

The VICE-CHAIRMAN: Yes, I see Dr. Moore getting up.

Mr. JOBLIN: I did not realize he was here.

Dr. P. E. MOORE (*Director, Indian and Northern Health Services, Department of National Health and Welfare*): Mr. Chairman, I fail to understand why this should happen. The Indians in British Columbia are insured; they are under the insurance plan and they are paid for at the same rate as any other patient entering hospital. Most of the medications are covered by the provincial payment to hospitals.

If special drugs are required in any instance that are beyond the scope of the agreement between the hospital and the provincial insurance society, then the doctor is quite at liberty to prescribe there special drugs, and we accept those accounts. We pay the co-insurance in British Columbia for the Indians who go into hospital. They are covered under the provincial plan. They are paying sales tax; it is not a premium system in that province.

We have not heard this complaint before. I would certainly be glad to pursue it further, because it is far from any policy of Indian health services. We do supply these drugs. I could make our drug catalogue available to the committee, and they could see the broad spectrum of drugs that are available for out-patients. We do supply them where an out-patient department is run by the hospital. In these hospitals in question—I know that, particularly at Hazelton, we make extra payments to the hospital for supplying space to the out-patients department: we actually pay them rent for that portion that is used. There are supplies shipped and those supplies are shipped there on requisition of the attending doctor. We contribute quite a large portion of the salaries of the doctors who are involved in these hospitals.

However, I would be very glad to pursue that and if I can find any basis for correction we would be more than anxious to do so.

The VICE-CHAIRMAN: Thank you Dr. Moore.

Are there any further questions in regard to health services?

We will now consider the administration section.

Mr. JOBLIN: Of course there are some of these topics, I admit, on which I am not too well informed; but here again, under administration, it is still under the general heading of cooperation. It is really in that regard that I want to place the emphasis on the need for cooperation between various levels of administration and various types of voluntary agencies that might perhaps make a contribution to the life of a community, attempting to bring into consultation perhaps certain agencies within the municipality or the province, and perhaps discussions at the regional level. There are already, of course, attempts being made to use these voluntary agencies in the interests of the Indian people. We are simply suggesting that this should be pursued still further in the interest of closer cooperation.

I do have a few things to say here with regard to the type of people required. I rather feel that this is important. We must have people, both in our organization and in yours, who can draw out from the Indian people, especially, the capacities that they have. It is a matter largely of knowing the people and having confidence in them sufficient to use them and to encourage them to share in the planning of their own affairs. Unfortunately not all of us either in our organization or yours are gifted in that particular way. It is so much easier sometimes to go ahead and do things, rather than involving other people in them. Somewhere along the line I think we must train our people in the capacity for bringing out individual abilities, and also train people who have the confidence of the democratic method of doing things. This will apply I think all up and down the line.

The last paragraph of the section suggests an overall advisory committee which might be helpful and valuable at various levels. I am personally more especially concerned with the local level of the community, and the possibility of having it made as a community with Indian representation in the local community. I do not think we should spend much longer in this regard, apart from answering any questions, as I have already spoken about this subject.

The VICE-CHAIRMAN: Thank you. Are there any questions in regard to the administration section of the brief, ladies and gentlemen?

If there are no questions can we proceed to "responsibility"?

Mr. JOBLIN: I am not giving my colleague very much chance to speak.

Rev. H. M. BAILEY (B.A., B.D., *Superintendent of Home Missions, Western Ontario*): You are doing very well.

Mr. JOBLIN: I would like to have Mr. Bailey put in a word, however, in regard to this matter of responsibility because he has had an opportunity in the past three years to work with several band councils in western Ontario, and has also had an opportunity of seeing the Indian superintendent at work.

I wonder, Mr. Bailey, if you would say a word or two about how Mr. Powless is working things out?

The VICE-CHAIRMAN: Could we hear from you, Mr. Bailey?

Mr. BAILEY: Mr. Chairman, I think you know that the superintendent at Moraviantown and Walpole island is Mr. Powless, who is an Indian himself. I think he is doing a most effective piece of work with the Indian bands and councils on both these reservations. The main principle under which he operates, as I have been able to see him at work, has been to involve the Indian people themselves as much as possible in the making of decisions and in the accepting of the responsibility for the consequences of decisions they may make. I find, as I have been working with the Indian people only for three years as superintendent of home missions, that the Indian is most anxious to find places for himself where he can make the decisions. I do not think this is anything peculiar to the Indian people. I think we like to be in that position too, but we may not have been aware of that desire on the part of the Indian people to the extent that we ought to have been. I remember very well being at one meeting where an Indian made the statement: "well, you are here to consult with us but you are going to make the decisions, and after the decisions are made you will be the ones to carry out the policies."

This was good thinking, it seems to me, on the part of the Indian who made that statement. I find that they are very anxious to find places where they can get into the matter of making policy, and I think they want to accept the responsibility for the decisions that they make. This may not apply to every individual Indian, no more than it could apply to every individual white man; but I believe generally that it is the case. I have been surprised at their ability along these lines when they are given the opportunity.

Mr. BALDWIN: Mr. Chairman in regard to that suggestion in respect of responsibility, I think very probably there are a number of members of parliament who might feel the same way.

Senator HORNER: Senator Gladstone, you agree with what Dr. Bailey has said, do you?

The JOINT CHAIRMAN (*Senator Gladstone*): I do so agree, yes.

Mr. JOBLIN: Mr. Chairman, at page 12 about half way down I say some very strong things along this line.

We are convinced by long experience that most Indians are more willing to accept responsibility than we are to give it to them, but they must have the opportunity to grow into it as anyone else must do and not have it thrust upon them too suddenly.



Sometimes we decide that we will give a group of people the responsibility and we just turn things over suddenly, all at once. Then if it does not work we are inclined to blame them and say that they are not ready. This is an attitude which must be kept in mind even in regard to the smallest things all the way up the line, so that when the opportunity comes in regard to bigger things in the assuming of responsibility they will be prepared for it and will be able to go right on from there.

We point out there;

It is therefore especially important to have wise leadership at the local level where people have their earliest experiences in accepting responsibility and where they can breathe the air of freedom and self-government.

We say this in regard to the little things including community activities, voluntary organizations and all the things that take place in a community; that they should have this opportunity of developing a sense of responsibility and self confidence. This experience can be found in the home, the school, the church and in a wide variety of community activities.

And then we go on to say too many of us in both church and government service are constitutionally incapable of giving the Indians the opportunities that they must have in order that they may become self reliant and be prepared for the responsibility. We simply mean that it is just not in some of us to give people this opportunity. We are full of our subject and we are anxious to see things happen. We just barge ahead and often times refuse to give them these opportunities. We must all pick our people keeping this in mind; the ability to give others an opportunity, and draw them out—and there has been progress made in this respect. We have had a tremendous improvement in the superintendents, in my time. However, we should keep this in mind, in our choice of people, both in the church and in the government: that they should be people who are so constituted, who have such an attitude toward other people, especially to the Indian people, that they recognize their worth, their needs, thereby giving them the opportunity. With the opportunity, we are convinced they will rise to the occasion.

Mrs. FAIRCLOUGH: Do you not think it is the measure of the competent executive that he has the ability to delegate authority? We may have that in certain people, as you have so wisely said. All of your officials do not have necessarily this particular capacity, and it is true that this is what we should aim for because, in all of our work at the governmental level, church level and community level, people can only do what they are given an opportunity to do. Many an individual has blossomed into a contributing member of society by reason of the fact a new opportunity has opened up to him; someone has had faith in him to give him a job to do which, possibly, he thought he could not do, at first. Here again, it seems to me that the crux of the problem lies in the ability of the individual concerned—whether it be a superintendent, or whoever is might be—to delegate authority to those he selects.

Mr. JOBLIN: Yes. It seems to me that this involves a pretty good measure of confidence in him. You are not going to delegate unless you are fairly confident he will rise to it, and grow into it. This is one of the difficulties.

We do find people for our positions, who are competent in their own field. Let us say an educationist, such as a regional inspector; he is competent in his own field, but may not have any experience with Indian people. They do not know them well enough to realize they can give them this kind of responsibility. It takes time to come to know this. If they are the kind of person who is not willing to explore those possibilities, but goes ahead, the opportunity then does not come. It does depend on a person being willing, at least, to recognize the capacities of other people.

Mrs. FAIRCLOUGH: I think there is the other side of the penny as well, and it is this: very often the job makes the man. I am sure, in your experience, you have seen people who did not show up particularly well, who were given promotions or fell into jobs; and the consensus among those who knew him was that he would make a terrific failure of it, instead of which he blossoms forth and makes a startling success of it.

I do not think you can encourage only those who have, first of all, shown they have this capacity; I think you have to do a little exploring, and be willing to take a chance even on some people whom you think ahead of time are a pre-destined failure.

Mr. JOBLIN: Yes, that is quite true. I am prepared to accept that failure as part of the process.

The VICE-CHAIRMAN: I think probably the last sentence on page 12 points that out very well indeed.

Mr. JOBLIN: It is a bit strong, I know, but I am saying "we".

The VICE-CHAIRMAN: Yes.

Mrs. FAIRCLOUGH: Oh, I think that is a fair statement.

The VICE-CHAIRMAN: It is very good. Are there any further questions on that section? If not, "Responsibility"?

Senator HORNER: I would like to know if they would sanction some of the shows we get on television.

Mr. SMALL: Who do you mean, the Indians or us?

Senator HORNER: I wonder if they would take any responsibility for shows of that kind. Here is an opportunity for them to say something about it.

Mr. JOBLIN: Do you mean where Indians are portrayed normally in moving picture films?

Senator HORNER: Yes. I think, personally, it should be prohibited.

Mr. JOBLIN: Yes. This is something which we ought to look at cooperatively. I think it is a bigger thing than any one group could deal with, and also in a similar vein there is the printed materials which have been used in schools. There is the matter of the slant of the historic material and so on, which I think are things the Indian-Eskimo association is looking into very carefully. They have Mr. Bernard Neary on their staff. He is chairman of the publications committee. There are groups which are concerned very much with this, and we are working with them.

The VICE-CHAIRMAN: Are there any further questions on that, ladies and gentlemen?

At this point I might say that it is just about 11 o'clock. The house goes into session at 11 o'clock today. I do not think it is possible for us to complete this brief by that time. The witnesses would like to get away this afternoon at 4 o'clock. Would it be possible to come back at 2 o'clock today instead of 3:30? Ordinarily we meet at 3:30. That would make it impossible for the witnesses to get away.

Mr. GUNDLOCK: Could we meet at 2:30?

The VICE-CHAIRMAN: It is as you wish; it is up to you.

Senator HORNER: Why not meet at 2 o'clock.

The VICE-CHAIRMAN: 2:30 would give us an hour and a half.

Rev. Mr. JOBLIN: I think that would give us ample time, but I cannot foresee what questions will be asked.

The VICE-CHAIRMAN: So long as you are away by 4 o'clock you would have sufficient time?

Rev. Mr. JOBLIN: Yes.

The VICE-CHAIRMAN: Is it agreed that we will meet at 2:30?

Mr. SMALL: In case we have difficulty in getting a quorum why not make it 2 o'clock or 2:15.

Senator HORNER: 2:15 is a good suggestion.

The VICE-CHAIRMAN: Then we will meet in this same room at 2:15.

### AFTERNOON SESSION

WEDNESDAY, June 8, 1960.

2:15 p.m.

The VICE-CHAIRMAN: We have a quorum now, ladies and gentlemen, and I think we should get started as soon as possible. We were at page 13, on the Indian Act. Now, Mr. Joblin.

Mr. JOBLIN: Mr. Chairman, ladies and gentlemen: I would like to thank everyone for coming back early so that we might get away. It was very thoughtful of you, and we appreciate it very much.

I think we should admit at the outset that in this section on the Indian Act I am not as well prepared as I would like to be with the facts and the reasons for some of these suggestions. I think that is all they really ought to be; and it will be obvious I think, as we look at it, that this is the case.

These are rather impressions that we have gathered in discussion, and I am not as well prepared as I ought to be to give the reasons for these points. We were, as I pointed out, primarily concerned about how the work on behalf of the Indian people might be done better within the framework of the act. This is the way we have been thinking, ourselves, and this is somewhat of a departure, when we have to begin to think of changes which might be made. I know that other organizations have reported, who are doing a thorough job in this area, and they are people much more informed in the law and in the Indian Act than I am. However, we do have these few points that we would like to put forward.

No. 1 on page 14 we do not need, since the federal government has now seen fit to give the vote to the Indian people. Anyway we are suggesting it here. This was prepared away back in December, and since then the government has seen fit to grant this right. I think perhaps in the interests of brevity we might pass over it, unless there are some questions.

No. 2 is one which no doubt will be questioned. We are suggesting as a result of remarks which we have heard over the years that, due to one reason only, namely, that it did seem at times that the minister, having a number of responsibilities that he did have—this was prior to the present minister—as far as we know, there were times in the past when the minister was unable to have time to present the needs of the Indian affairs branch, or adequately to look after their needs. There is no other reason behind it than that.

There is certainly no personal reference to any minister or to any person in the department, and I know there are difficulties connected with it. I am not prepared to go into detail as to whether there would ever be any possibility of Indian responsibility being placed under one department. I think you will realize that this is an area in which I am not really competent to do more than to throw this out as a suggestion which, in turn, might perhaps be thrown out, period, by someone else. But it has come to us over a period of time that there sometimes has been the feeling that this might be advantageous.

Of course we could point out that the responsibility for Indian affairs is growing tremendously year by year, and that it is likely to grow, and it may be that there will be a time when this is possible.



The VICE-CHAIRMAN: Are there any questions on No. 2? I think we ought to ask our questions on each one of these items before we continue on, and not have to go back too far to ask questions. This is an item which has been introduced in more than one brief.

Mr. SMALL: If we do not ask questions or ask for explanations it is because we are not interested, but because the matter has been discussed several times before.

The VICE-CHAIRMAN: Are there any questions on point No. 2 on page 14? If not, would you please continue with point No. 3.

Mr. JOBLIN: No. 3 is likewise one on which I am really not competent to speak at any length at all. But there has been a feeling in discussion—and this partly arose from myself through discussing these matters with the Indian-Eskimo association in the preparation of their brief, and from some of the reports from the Indian organizations, that is a point which needs to be looked at, namely, that somehow,—we do not know just how,—provision should be made under certain circumstances whereby the Indian might appeal a decision, when it is a matter of the interpretation of the law.

Senator STAMBAUGH: To whom would you suggest the appeal being made?

Mr. JOBLIN: We have not suggested it, sir. We do not feel competent to do so. We do not know the situation well enough, and we really would not be able to make a suggestion. There have been other briefs, I am quite sure, which have gone into it quite thoroughly.

The VICE-CHAIRMAN: Are there any further questions on point No. 3? If not, point No. 4.

Mr. JOBLIN: No. 4 has reference to the provision for credit, and this again is in a field which we do not know thoroughly. We simply have received the impression through our experience that somehow additional means of credit should be made possible for deserving Indians, individuals, or groups.

There is a disability arising out of their Indian status, as we all know. It is not easy to suggest a solution for this. I do not suppose there is any way by which their land could be seized. Possibly their real property, apart from their land; but the people whom I have known have felt this to be a very real disability, that they were not able to go out and obtain credit like any other man might. But just how this can be remedied, I am not prepared to say. I do think this is a disability which somehow should be improved upon, if the Indian people are to be dealt with the same as other citizens.

Senator HORNER: It is true, I believe, in their case, the same as in others, that most money lenders, even the banks, now have made the statement that the man making the application is really considered, that he is taken into consideration to a greater extent than his resources; that is to say, his own ability and reputation is still a great asset, and he can use it. I believe that the banks, in spite of the fact that he is handicapped, that is to say, in not having property that he can pledge—that his personality is still taken into consideration, and his record.

Mr. JOBLIN: That is true in a good many cases, some of which I have known. There have been some who have been able to establish a record for themselves in a community, and have been able, independently of any of these considerations, to go and obtain a loan purely and simply on their record as business persons, and as dependable men. This has happened to my knowledge, and I am sure it has to many.

But of course for a good many of them there has not been an opportunity for them to establish themselves, or create any credit rating like some outside person of that kind; and they are just unknown quantities.

Senator HORNER: One of the difficulties is that the man has first to come forward with his idea, and with his program, and that he speak for himself. That should be taught to the Indian, that this credit would be available when they formulate their plan. But just to say—it would be a very difficult thing to say—"Well now, here is so much credit available to you, and to you, and to you", without first having the man become anxious, as it were, to have his plan mapped out, is a different matter.

Mr. JOBLIN: I believe there has been quite a bit done certainly in some bands to regulate this kind of thing. I know of a few where they had band funds of their own, and where they have been able to make loans to their people. It seemed to me to be a pretty nice situation. But in the case of people that I knew best, they did not have that kind of resource, and they had to depend either on private loans, or on the revolving fund loan with the department; and there was not the same opportunity for the council to have a hand in saying who should have a loan and who should not.

This was one of the things suggested here, in the case of councils which did not have funds of this kind, that consideration should be given to providing funds for their administration. I do not know whether this makes sense or not.

But we did wish, a good many times, that the band at Muncey might have had access to funds which they might have administered in a larger amount, partly because of the value to themselves of having it to administer as it was being done in some of the councils; but lacking these funds to be administered, they did not have the opportunity to learn how to administer them. So there was the wish that there might have been funds available for them for that kind of thing.

The VICE-CHAIRMAN: The department does consult in the case of the revolving fund, with the band council as to who should get a loan. Is that not true, Colonel Jones?

Colonel H. M. JONES (*Director, Indian Affairs Branch, Department of Citizenship and Immigration*): It is not necessary.

The VICE-CHAIRMAN: Part of the responsibility is their own, as to who is to get a loan?

Mr. JONES: Not necessarily.

The VICE-CHAIRMAN: Not for implements?

Mr. JONES: No. In connection with loans from the revolving fund, sometimes it is necessary to consult the council for advice as to character, and as to what assets the Indian has; but as a rule it is a matter between the Indian and the superintendant and head office.

The VICE-CHAIRMAN: Of the department, yes.

Mr. JONES: Yes.

The VICE-CHAIRMAN: Are there any questions on Item No. 4? If not, item 5.

Mr. JOBLIN: This may seem quite a minor point in regard to trespassing, but it does, to some extent, enter into the proposals earlier for making further and greater use of various organizations adjacent to their reserves. If later use is to be made of volunteer organizations which might come in to work with Indian councils or with other organizations, there seems to be a lack of clarity as to just what trespassing means. It does not say very clearly just what it is going to be; and it could create difficulties for persons who are prepared to cooperate with band councils and Indian organizations, inasmuch as if anyone wished to accuse them of trespassing, apparently this might be done.

It is merely a matter of suggesting that they should be made a little clearer as to just what constitutes trespassing on the reserve. There seem to be some

conditions under which trespassing would be welcome, I would assume, especially if the Indian people themselves were involved in asking for this kind of cooperation. I do not mean just to throw the door open to any organization or to any person who wanted to come in and do something; but in the past the Indian council or the home and school clubs, or what have you, may want the assistance, of, let us say, an organization which was part of a larger organization, that this kind of thing might be done without running into the risk of being called trespassers. It is just for clarification.

Mr. SMALL: Have there been any instances where that has taken place, where they have come in and have been accused of trespassing?

Mr. JOBLIN: Not to my knowledge, in this respect, no. In my experience the matter of trespassing has been used more frequently by Indian people themselves, with regard to some person who had married off and had come back, which incurred the complaint of some other member or non-member of the band. This has been more frequent in my experience.

Mr. SMALL: It seems to me that the thing is clearer than that with regard to trespass on the reserve. I think there is something clearer than that.

The VICE-CHAIRMAN: We had a discussion on this on one other day, and it was pointed out it had to be an individual Indian that made the request and not the band council. Is that not true, Colonel Jones?

Mr. JONES: That is correct. The present act leaves it to the courts to decide what is a trespass, and we suggest, in view of the cloud on the legality of a band or a band council, that any information laid in a trespass charge should be laid by an individual and that it should be left to the courts to decide whether a trespass has taken place or not.

Senator DUPUIS: Do you mean the ordinary court of the province?

Mr. JONES: Yes.

Senator DUPUIS: In the case of a farmer in a neighbouring district of a reserve, it happens very often that due to defective fences animals belonging to the farmer go into the land of the band, and if the owner of the animals tried to get his animals back, they accuse him of trespassing and beat him, or do anything of a kind to prevent him going to get his animals back. Is there any definition of "trespassing" either in the law—I do not believe there is any in the law, but in the practice or jurisprudence, as you have said the court has decided what is trespassing in the eyes of the law?

Mr. JONES: I think in the case of cattle wandering it is taken care of by by-law, for impounding cattle on the Indian reserves; and the band council passes by-laws for that particular purpose.

Senator DUPUIS: By-laws by the council of the band?

Mr. JONES: That is right.

Senator DUPUIS: It is not uniform in all the country. Is there any form of by-law which should be adopted in all the reserves of the country?

Mr. JONES: We invite the bands, if they have any ideas for by-laws, to send them in and we will draft suitable by-laws. I think the one for the impounding of cattle is fairly uniform.

Senator DUPUIS: It is uniform in all the reservations of the country. What is the sanction or the right of the neighbouring farmer to go and fetch his animals back?

Mr. JONES: A white farmer getting his cattle back from an Indian pound?

Senator DUPUIS: From an Indian reserve territory?

Mr. JONES: If an Indian pound had been established he would have to pay the cost of impounding. I cannot remember what the rate is, but I think it is similar to the provincial one.



Senator DUPUIS: But in the municipal laws of our country, our provinces, at least in Quebec, if cattle trespass the division line or the fences between two neighbouring farmers, there is a law that provides for a penalty for damages done to the neighbouring farmer. But is a similar law available, or enforced, for Indian reservations?

Mr. JONES: Well, there is just this point—whether it is going to answer the question, I do not know—but an Indian can sue and be sued. An Indian has the same rights of recourse to the courts of the land as others, and he is also subject to the laws of the land. A person could sue an Indian for damage, but he might have a little trouble collecting.

Senator DUPUIS: Yes, that is the trouble. It is no use to sue neighbouring farmers—It is no use to sue an Indian who is not responsible. The case might go to the Department of Indian Affairs, who are the sole body which decides if damages should be paid to the neighbouring farmer, in a case when the animals or cattle trespass, when Indian cattle trespass the neighbouring white people's farms. But there is no sanction, effective sanction against an Indian, as far as I know.

Mr. JONES: Except that he can be sued.

Senator DUPUIS: What is the use of being sued, if you cannot execute the judgement? That is what I am asking you.

Mr. JONES: That is a different thing, again.

Mr. SMALL: That matter came up under the previous clause No. 4, the Indians obtaining credit.

Mr. JONES: I think it ties in with the protection afforded under section 88 of the Indian Act, which the committee dealt with to some extent the other day. Some of the Indians said they did not need that complete protection now. They asked whether some Indians could waive that protection, in order to obtain credit at banks, and one thing and another.

Senator DUPUIS: Referring to that section 88, was there an amendment lately submitted and adopted by this committee, or to be submitted to the members of the house of commons?

The VICE CHAIRMAN: No.

Mr. SMALL: I think what is involved in this damage to property is the matter of recovery of the animal, either cow or horse.

Senator DUPUIS: Both damages and the recovery of the animal itself.

The VICE-CHAIRMAN: The trespass does not particularly refer to the animals, but to people going after the animals.

Senator DUPUIS: Both the owner and the animal. You cannot recover the animal, and you are subject to the law of trespass, except if there is a fight and a criminal offence is committed either by a white man or an Indian, and then they are subjected to the criminal code, I guess.

Mr. JONES: If a white man's cattle are impounded on an Indian reserve he can get them back through the usual course of paying the pound fees. In just the same way, if Indian cattle strayed into a municipal area and they were impounded, the Indian would get them back by paying the municipal pound fees.

Senator DUPUIS: If he can find the animal. If the animal has disappeared, what is the white man's recourse?

Mr. JONES: A white man's cattle on an Indian reserve?

Senator DUPUIS: Yes.

Mr. JONES: I suppose there is such a thing as a search warrant.

Mr. SMALL: Go to the butcher's shop and buy the steaks.

Senator DUPUIS: If you could find the one who committed the offence there would be a warrant for a criminal offence.

Senator SMITH (*Kamloops*): Is it not a matter of giving consideration to this recommendation and the clarification of these sections in the light of other recommendations in connection with trespass?

The VICE-CHAIRMAN: That has been represented by several Indian organizations themselves, and they want some clarification of this section. It is not only embarrassing to some individuals, but it gives, perhaps, some individuals a chance to be a little bit nasty with one of the neighbours he does not like, if someone comes on the reservation they do not feel has a right to be there. I think this has been debated back and forth quite considerably, and I think there will be something surely done about it.

No. 6?

Mr. JOBLIN: We are suggesting—and I think others have—that there would be some value in some kind of continuing research committee, or commission, which for all I know may already be in existence in some other form; but I would not be too sure. We are merely recommending that in some form there be a group of people who might continue even after the work of this committee has been completed. They might continue the study of phases of the work, the needs of our Indian people and, purely in an advisory way, they might give assistance and guidance to those who are responsible for it. This is merely to suggest that in our own experience, at least, it has been possible to become completely absorbed in the work of administration, in what we are doing, and we find ourselves without any time for research and keeping abreast of the things that are being done. This is merely a suggestion that there might be such a body assuming, perhaps, it would be welcome to the administration as a means of keeping all of us informed as to any successful method of dealing with this kind of situation, including, perhaps, even work done on the United Nations. Dr. Monture has been a member of the Indian-Eskimo association group, and has quite a bit of experience in this field, and the value of this arose in our discussions. It is a recommendation or suggestion only.

The VICE-CHAIRMAN: Are there any questions or discussion on No. 6?

Senator DUPUIS: There is only one remark I desire to make. The last sentence of paragraph 6 is, perhaps, a little inaccurate. I guess we all know, but I am afraid the cart has been put before the horse there. Should not that be read as: "The best is often the enemy of the good"?

Mr. JOBLIN: It could be. My intention was simply to say that we are sometimes too easily satisfied.

Senator DUPUIS: That is what I wanted to know.

The VICE-CHAIRMAN: Any further questions on No. 6? Do you care to make any comments on the conclusions?

Mr. JOBLIN: I think not. It is merely pointing out that the whole brief has been dealing with principles and not with a great deal of detail, and that this may seem inadequate for that reason. But we have wanted to deal in those terms, keeping in mind that we are a voluntary organization and the church, and we really do not feel that we ought to go too far in some of the details, in areas in which we do not feel ourselves competent to advise.

I do hope there may have been something in it that will be of some assistance in the total picture. As a church we have a relatively small portion of the Indian people under our care, approximately 15 per cent; but we have been in the work really from the beginning, and we think very highly of the people whom we do have to serve. We are anxious that if possible a greater measure of cooperation might exist, especially among our churches, but also between ourselves and the administration.

I think, as churches, we ought to be quite humble in this situation, because it is fairly obvious that our churches with their denominationalism have frequently been the cause of many misunderstandings, much confusion, and we have a long way to go in this area. I think we are making progress. We now have opportunities of sitting down with church representatives and department officials with regard to residential schools. I do feel this has been most beneficial, but I would like to see us do a good deal more of it. I think it is good for us to get together.

Senator HORNER: Mr. Chairman, I notice we have had some slight reference in many of the briefs to the United Nations. I am sorry to make this remark, but they should really not contact the United Nations. They have similarly a greater task on their hands than they are capable of handling at the present time, and should not be asked to become involved in any way. This might lead to further confusion. I do not approve of asking the United Nations for guidance.

Mr. JOBLIN: My thought, Mr. Chairman, was that some effort ought to be made in regard to some economical help. For example, some things have been found effective by the United Nations and we might benefit from this experience.

The VICE-CHAIRMAN: You are suggesting that perhaps you could gain from their experience?

Mr. JOBLIN: It was not my thought that the United Nations as a group should be brought into this problem at any point. We believe that if, in similar circumstances some method has been found to work in assisting people in other countries, there might be a lesson that we could learn if we had the opportunity of knowing of these things. It is more a matter of information and knowing what has been done.

The VICE-CHAIRMAN: You might gain from the experience of others.

Mr. JOBLIN: That is right.

The VICE-CHAIRMAN: Are there any other questions, ladies and gentlemen? I know, I can assure Mr. Joblin and Mr. Bailey that we have appreciated very much receiving their ideas. I think they have been far too modest, and that they have done very well. This committee has appreciated hearing their feelings in this regard. I can assure you that every consideration will be given to this brief when we are making our findings and writing our report.

Thank you very much.

Mr. JOBLIN: Thank you, sir.

The VICE-CHAIRMAN: The committee will meet tomorrow at 9.30 a.m. There are three bands from Alberta coming before us tomorrow. It is possible that we will perhaps meet before 3.30 in the afternoon tomorrow, depending on how far we get along with this in the morning. If it is necessary for us to do so we shall, but we can decide on that during the latter part of the meeting tomorrow.

We will adjourn now until 9.30 tomorrow morning in this same room.





## APPENDICES

- Appendix K1 Canadian Federation of Mayors and Municipalities.
- Appendix K2 The Canadian Home and School and Parent-Teacher Federation.
- Appendix K3 Carcross Band, Yukon Territory.
- Appendix K4 Catholic Indians of Northern B.C. and The Yukon.
- Appendix K5 Champagne Indian Band, Yukon Territory.
- Appendix K6 God's Lake Band, Manitoba.
- Appendix K7 Shamattawa Band, Manitoba.
- Appendix K8 Waterhen Lake Band, Manitoba.





## APPENDIX "K1"

## CANADIAN FEDERATION OF MAYORS AND MUNICIPALITIES

August 6, 1959.

Mr. E. W. Innes  
Committee Clerk  
Committees and Private Legislation Branch  
House of Commons  
OTTAWA, Ontario

Dear Mr. Innes:

Further to my letter of August 5th re the Joint Committee of the Senate and the House of Commons on Indian Affairs.

It seems to me that the Committee would probably be interested in knowing of resolutions pertaining to Indian Affairs which have been discussed at recent Federation Conferences.

I attach copies of such resolutions. They deal with:

- a) Cost of Municipal Aid and Hospitalization for Treaty Indians.
- b) Gaol Costs of Indian Prisoners.
- c) Control of Mosquito Breeding Areas on Indian Reserves.

Sincerely yours,

George S. Mooney  
*Executive Director*

COST OF MUNICIPAL AID AND  
HOSPITALIZATION FOR TREATY INDIANS

WHEREAS the influx of Treaty Indians into urban centres presents a steadily increasing problem with respect to Municipal Aid by way of Welfare Relief and Hospitalization; and

WHEREAS it is felt that the responsibility in these matters should be borne by the Government of Canada:

NOW THEREFORE BE IT RESOLVED that the Canadian Federation of Mayors and Municipalities make strong representations forthwith to the Minister of National Resources and Northern Affairs urging the Government of Canada to assume full responsibility for cost of such Municipal Aid and Hospitalization.

(1958)

## GAOL COSTS OF INDIAN PRISONERS

WHEREAS common gaols are maintained at considerable expense to local governments; and

WHEREAS Indian prisoners, wards of the Department of Indian Affairs, are from time to time confined in such common gaols for terms ranging up to eighteen months; and

WHEREAS in many cases these prisoners are committed to these gaols because of failure to pay fines under the Excise Act which fines would, if paid, go to the Federal Government; and

WHEREAS some provinces pay for the maintenance of prisoners convicted under Provincial Statutes:

BE IT THEREFORE RESOLVED that the Canadian Federation of Mayors and Municipalities request the Government of Canada to contribute to the cost of maintaining these prisoners in common gaols.

(1958)

#### CONTROL OF MOSQUITO BREEDING AREAS ON INDIAN RESERVES

RESOLVED that the Government of Canada be requested to amend the "Indian Act" whereby, in the case of Reserves situated in proximity to a municipality, when parts of such Reserves constitute breeding areas for mosquitoes and when requested so to do by the municipality concerned, the Department of Mines and Resources, Indian Affairs Branch, shall cause proper steps to be taken at the Department's expense to prevent the hatching of mosquito larvae, in the interest of public health and convenience;

AND BE IT FURTHER RESOLVED that in cases where an Indian Reservation in proximity to a municipality has been proved to be a nuisance and a detriment to such municipality that, for the better welfare, of both Indians and the municipality and as a measure of Public Health, the location of such reservation shall, at no expense to the municipality, be removed to a more distant point.

(1940)

#### APPENDIX "K2"

Mr. Noel Dorion, Chairman,  
Joint Parliamentary Committee on Indian Affairs,  
Parliament Buildings,  
Ottawa, Canada.  
Dear Mr. Dorion:

The Canadian Home and School and Parent-Teacher Federation, in annual session in Halifax, Nova Scotia, May 26th to May 29th, re-affirmed its policy of support of the integration of Indian and White children in schools.

The enclosed resolution presents several recommendations to the Federal Government proposing action for the immediate future as well as a long range programme. A copy of this resolution is being sent to Senator Gladstone and to the Minister of Citizenship and Immigration.

On behalf of the three hundred thousand members of The Canadian Home and School and Parent-Teacher Federation we respectfully submit this resolution to you and request that the considered attention of the Joint Parliamentary Committee on Indian Affairs be accorded the petition contained therein.

Sincerely yours,

Harold H. Simpson,  
President.

HHS/av  
encl.



*Integration of Indian and White Children*

WHEREAS The Canadian Home and School and Parent-Teacher Federation supports integration of Indian and White children in education, and

WHEREAS the Federation recognizes the commendable efforts of the Indian Affairs Branch of the Federal Government and the Provincial Departments of Education to promote integration of Indian and White children in the public schools,

Be it resolved:

1. That The Canadian Home and School and Parent-Teacher Federation re-affirms its policy of support of integration of Indian and White children in schools,
2. That the Federation urge provincial Federations to support actively the integration of Indian and White children in schools, and the integration of White and Indian families in the social life of the community,
3. That The Canadian Home and School and Parent-Teacher Federation recommend to the Federal Government that:
  - (a) provision be made for Indian children living in isolated communities to attend secondary schools where such opportunity is lacking;
  - (b) the minimum teachers' salaries in isolated Indian children's schools be at least equivalent to those paid by local school boards under the jurisdiction of the provincial Departments of Education,
  - (c) the minimum accommodation in schools for Indian children be at least equivalent of the minimum recommended by the provincial Departments of Education,
  - (d) as a long range programme, Indian children be placed under the jurisdiction of the provincial education systems of the respective Provinces for all purposes relating to their education.

**APPENDIX "K3"****CARCROSS BAND, YUKON TERRITORY**

Carcross, Yukon Territory,  
Sept. 7, 1959.

Mr. E. W. Innes,  
Committee Clerk,  
Committees and Private Legislation Branch,  
House of Commons,  
Ottawa, Canada.

Dear Sir:

We thank you for your letter of Aug. 12, 1959, asking for our views on the forthcoming consideration of the Indian Act.

The band, of which I am chief, have met and discussed this matter and have reached the decision that we are satisfied with what is already being done for our people by the Canadian Government. We appreciate the educational and hospital care given the Indian peoples. We are satisfied with the Indian Act as it now stands.



One thing we are greatly concerned over is the proposal of setting up a "Reserve". We feel this would be wrong. Near our village lies the cemetery. In this cemetery over the years have been buried our own people and white people. There is no distinction made as to race. Thus it should be among the living. We should be free to live where we wish; be among our white neighbours or among our own people; the same should apply to our white friends to live among us. We feel most strongly on this point and would wish to have no change made in our present arrangement.

A further point we would ask to be taken under consideration is a more extended programme of aid for the older Indian citizens. They have not had the same opportunities as the younger generation. A housing programme for older citizens should be investigated. Many of the older people live in houses not fit to be lived in and with the small amount allotted in the way of Old Age Pensions they cannot afford to raise their standard of living.

Respectfully submitted by:  
Chief Patsy Henderson on behalf of the  
Carcross Indian Band.

Wrt. by Rev. G. Bullen  
for Chief P. Henderson at the Carcross Ind. Resid. School.  
Sept. 8, 1959.

#### APPENDIX "K4"

#### BRIEF OF THE CATHOLIC INDIANS OF NORTHERN B.C. AND THE YUKON TO THE JOINT COMMITTEE OF THE SENATE AND THE HOUSE OF COMMONS

As the "Joint Committee of the Senate and the House of Commons", has been appointed during the last session of Parliament to deal with Indian Affairs and as several Indian delegations have appeared as witnesses and various briefs have been sent to the said Committee from different parts of Canada: therefore the Catholic Indians of Northern British Columbia and the Yukon being assured that the said Committee is most anxious to know the mind of all Indian people regarding proposed changes in the Indian Act, after a meeting of Catholic Indian delegates representing the main Indian camps of Northern British Columbia and the Yukon held at Teslin, Y. T. Sept. 29, 1959, they humbly submit the following brief with their requests and main points of complaint and feel confident that the said Committee will kindly give careful consideration to their plea.

##### 1. Education

- (a) Without education there is a fence between the Whites and the Indians, where the Indian hears what is going on on the other side but cannot see, but with education the Indian people not only hear but see and learn to live as equals with their neighbours. In general we like things the way they are now regarding our schools but hope that there will be more technical or trade schools where our young men and women will be able to become qualified in various trades and have the same chance to get jobs.
- (b) We were sad to know that the delegates of the B.C. Indian Brotherhood when they appeared before you said that 'denomination schools have outlived their usefulness'. We want our children taught their religion. Before the white man taught us of God we were like dogs barking and biting at each other, but when we learned about God we learned how to live. We have respect for each other and with religion we are more respected by the Whites. Our Queen has

promised and guaranteed by her law that we can have our Catholic schools and our children can receive a Catholic education in the lower grades and in High School. Where our children have to attend a public school we want some time from school day set aside for religious instruction.

## 2. *Hunting and Fishing*

- (a) That the rights of the Indian people to hunt and fish on free crown land be not tampered with by local or provincial laws.
- (b) That the practice of charging Indians for a trapping or fishing licence cease.
- (c) That the Indian people should not be discriminated against but when qualified should be allowed to be Big Game Outfitters.
- (d) Heavy fines be imposed for those who waste fish or meat; Big Game Outfitters should be made to bring back the meat from a hunt whenever possible.
- (e) That a bounty be placed on wolves, coyotes and wolverine notwithstanding the objections of experts.
- (f) The limit for Whites in fishing and hunting in some areas should be cut down where it works a hardship on the Indians. Highway shooting should be stopped.

## 3. *Employment*

- (a) In general, except for the helpless, it would be better to not give out rations but to spend that money to create work so that we can earn our living.
  - (1) Sawmills could be set up by the Indian Affairs and the produce could be utilized, especially in government road work and housing.
  - (2) Co-operatives could be set up, especially to take out tourists fishing and also big game hunting where possible.
  - (3) The possibility of farming should be looked into.
  - (4) Set up fur farms, build up the beaver and muskrats.

## 4. *Housing*

- (a) Our people should have decent homes, proper sanitation and lighting, and when they are unable to build homes, they should be assisted.
- (b) The Indian Department should not make people move from their home district to build a home.
- (c) Where Indians have lived for years, a village or town should not take over their home lots.

## 5. *Power of the Indians in their own Government*

- (a) The power of the Chief and Councillors in local should be insisted upon.
- (b) The Indian Agents should heed the reasonable suggestions of the Chief and Councillors.

## 6. *Liquor*

We feel that it would be better to have equal rights with the Whites regarding liquor.

**7. Health**

- (a) Regular visits of the Indian Health nurse.
- (b) Medicine supplied for Indians on the trapline.
- (c) Old age pensioners should be supplied with wood and water.

**8. Village Improvements**

- (a) When our villages are next to a town our roads should be maintained the same as the rest of the people.
- (b) Where possible, locker plants should be set up.
- (c) Village pump for water and fire protection where possible.

This brief was prepared at Teslin, Y. T. where the meeting of the Catholic Indian delegates took place on September 29, 1959 and signed by the following delegates:

Teslin and Teslin-Atlin Band: Chief Frank Sidney

Atlin Band: Jimmy Ward

Telegraph Creek Band: Bill Nale

Whitehorse Band: X George Ned, (Witness) Ed Baydon

Burwash Band: Fred Brown

Secretary of the meeting: Father Leo Boyd, O.M.I., R. C. Mission, Teslin, Yukon Territory.

**APPENDIX "K5"****CHAMPAGNE INDIAN BAND, YUKON TERRITORY**

HAINES JUNCTION, Yukon,  
December 10, 1959.

E. W. Innes,  
Committee Clerk,  
Committees and Private Legislation Branch,  
House of Commons,  
Ottawa, Canada.

Sir:

In reply to your letter of August 12, 1959, on behalf of the Champagne Band, I submit the following brief:

"In this day and age with so many substitutionary and synthetic materials consequently furs are not in very much demand and therefore the price of furs is inadequate for the Indian to make a proper living. Then too, there is very little employment to engage in to offset the extremely high cost of living.

As a possible solution re: fur prices I offer two suggestions, namely, 1. That a reasonable floor price be established; 2. That an out-of-season insurance policy be in effect, which should be based upon the fur income of the previous season.

Re: the employment situation there should be some guarantee that natives be given priority to non-residence in labor, and also trades where qualified.— This raises an important issue in relation to both the social and economical welfare of our people, and that is the necessity for the facilities of a Vocational Training School for our young people's future.

Another aspect that is a deplorable situation is that many elderly people are dwelling in inaccessible villages and camps, partly because of custom, but mostly for the sake of surviving. It is true that a Reservation has been begun at Haines Junction, but to date the more needy elderly natives are not benefiting



from it. In fact the reverse is in effect for the residents on the reservation, in the main, are younger people who should be capable of shifting more for themselves."

Trusting the above will prove to be of some assistance in the problems that are existing among our people.

Respectfully submitted,

Sig. of Council—

John Brown.

Yours sincerely,

Jimmy Kane,  
Chief—Champagne Band.

#### APPENDIX "K6"

##### GOD'S LAKE BAND, MANITOBA

God's Lake,  
Narrows, Man.  
August 20, 1959.

Dear Sir:

As I was very appreciated to hear from you and we will have a band meeting for this matter and it seems the very best subject to this matter. And it nearly it is now for over two months now past to start again for a chief. And as far as I would appreciate that I would like to have a Chief's uniform—Chief's suit that is—I would like to have it this coming year. That I never have ever since I've been as a Chief.

Faithfully your

Indian Chief

(Signed) George Andrews, Sr.

#### APPENDIX "K7"

##### SHAMATTAWA BAND, MANITOBA

The Council of the Shamattawa Band of Indians, in the Nelson River Indian Agency, in the Province of Manitoba, at a meeting held at Shamattawa this fifth day of December A.D. 1959,

Do hereby resolve: That the attached brief represents the recommendations of the Shamattawa Band Council to the Joint Committee of Indian Affairs:

1. (a) The Indians of the Shamattawa band do not wish to be moved as was the example of York Factory. The area offers various occupations through which money can be made.  
(b) Liquor problem is greatest in Shamattawa.
2. The people are relatively happy with their present way of life. New homes are being appreciated. A brighter outlook is noted here.
3. More work on railway line for Indian labour is sought. Occupational employment is desired.

4. Overcrowding is still a problem.
5. Council feels that the larger percentage of fish (sturgeon, white fish, etc.) caught in northern lakes, should be by Indians and marketed by them.

Judah Miles,  
Chief.

Joel Beardy,  
Councillor.

#### APPENDIX "K8"

#### WATERHEN LAKE BAND, MANITOBA

September 17, 1959.  
Waterhen Reserve No. 45.

To the Hon. Mrs. Ellen Fairclough:

##### *Brief 1.*

##### *Commercial Fishing*

In the past years we have been fishing in this Waterhen Lake 4 inch mesh nets. We've been having very poor fishing. We are asking if they could allow us to use 3 and 3 quarters instead of getting Reliefs every winter, and one thing I am going to say, these American Tourists are catching smaller fish than it could be caught on 3 and 3 quarters. Us poor Indians feel very sad at times the way the things are going. I can see now that our white friends are getting rich on fur and fish instead of us making a living out of it. I don't mean to stop them from trapping and fishing, but we should get a fair chance on it.

Our American friend come here to fish just for sports.

And another thing, I am going to ask if we could fall fish in our lake. Due to the lack of employment in the summer months, it could be great help for the betterment of our living. We are in between two big lakes, Lake Winnipegosis and Lake Manitoba and there is no danger in killing fish population.

##### *Cattle Ranching*

##### *Brief 2.*

We are asking if you could allow to start cattle ranching on this Reserve as there is plenty of hay around here, they are quite a few young married men here that would like to start up, that are without any cattle.

##### *Hydro*

##### *Brief 3.*

We would like to ask once more if we could have Hydro on the Reserve, although we made a couple of petitions in the past summer and nothing has shown up, that's through our member of Parliament.

Our Provincial member of Rupertsland constituency has promised a lot before the election and now we want Hydro power to come to my Reserve. We want it now, not 10 years from today; we are willing to pay for our wiring for our houses.

##### *Homemakers Club*

##### *Brief 4.*

We would like to organize a special committee on planning. Homemakers Club. Committees can be of valuable in keeping for the wellbeing of mothers with big families that many a times have a hard time to have enough food and

clothing for their families. We have an old school here, if it could be repaired, it would be useful as a community hall, it could be good for our band meetings too.

We wish to ask an experienced white instructor to help in planning Homemakers Club for a little while, just to start them up.

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I hope you will understand my writing. I am sorry now that I didn't go to school long enough, as Education is very important nowadays, and I am trying hard to urge the parents to see that their children get fair education in order to face the whiteman's world and live like the white man's ways of living.

Thank you.

Yours very truly,

(sgd.) Chief Moise Catcheway  
(Skownan, Man.)



OCT 11 1961

NOV 17 1961

Third Session—Twenty-fourth Parliament

1960



Joint Committee of the Senate and the House of Commons  
on

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone  
and  
Mr. Noël Dorion, M.P.

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## MINUTES OF PROCEEDINGS AND EVIDENCE

No. 11

THURSDAY, JUNE 9, 1960

FRIDAY, JUNE 10, 1960

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### WITNESSES:

*From the Saddle Lake Band:* Councillor Ralph Steinhauer.

*From the Blackfoot Band:* Chief Clarence McHugh; and Councillor Joe Crowfoot.

*From the Blood Band:* Chief Jim Shot on Both Sides; Mr. Jim Big Throat; Councillor Mike Oka and Minor Chief Steven Fox Jr.

*From the Department of Citizenship and Immigration:* Messrs. H. M. Jones, Director of Indian Affairs Branch; L. L. Brown, Special Assistant to the Director; Mr. R. F. Battle, Chief, Economic Development Division.

*From the Department of National Health and Welfare:* Dr. P. E. Moore, Director, Indian and Northern Health Services.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960

## MEMBERS OF THE COMMITTEE

### FOR THE SENATE

Hon. James Gladstone,  
*Joint Chairman*,  
Hon. W. A. Boucher,  
Hon. D. A. Croll,  
Hon. V. Dupuis,  
Hon. M. M. Fergusson,  
Hon. R. B. Horner,

Hon. F. E. Inman,  
Hon. J. J. MacDonald,  
Hon. I. Méthot,  
Hon. S. J. Smith (*Kamloops*),  
Hon. J. W. Stambaugh,  
Hon. G. S. White—12

### FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, *Joint Chairman*,  
Mr. H. Badanai,  
Mr. G. W. Baldwin,  
Mr. M. E. Barrington,  
Mr. A. Cadieu,  
Mr. J. A. Charlton,  
Mr. D. R. Gundlock,  
Mr. M. A. Hardie,  
Mr. W. C. Henderson,  
Mr. F. Howard,  
Mr. W. H. Jorgenson,  
Mr. S. J. Korchinski,  
Mr. R. Leduc,

Mr. J. C. MacRae,  
Mr. J. J. Martel,  
Mr. H. C. McQuillan,  
Mr. H. J. Michaud,  
\*Mr. R. Muir (*Cape Breton North  
and Victoria*),  
H. J. W. Pickersgill,  
Mr. A. E. Robinson,  
Mr. R. H. Small,  
Mr. E. Stefanson,  
Mr. W. H. A. Thomas,  
Mr. J. Wratten—24

Quorum—9

M. Slack,  
*Clerk of the Committee.*

\* Replaced by Mr. Fane after morning sitting of June 10th.

ORDER OF REFERENCE

HOUSE OF COMMONS,  
FRIDAY, June 10, 1960.

*Ordered*,—That the name of Mr. Fane be substituted for that of Mr. Muir  
*Cape Breton North and Victoria*) on the Joint Committee on Indian Affairs.

Attest.

L.-J. RAYMOND,  
*Clerk of the House.*





## MINUTES OF PROCEEDINGS

THURSDAY, June 9, 1960.

(27)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. with the Joint Chairman, Honourable Senator James Gladstone, and the Vice-Chairman, Mr. John Charlton, presiding.

*Present: The Senate:* Honourable Senators Fergusson, Gladstone, Horner, Inman, MacDonald and Smith (Kamloops).

*The House of Commons:* Messrs. Badanai, Charlton, Gundlock, Henderson, Leduc, Martel, Small, Stefanson and Thomas.

*In attendance: From the Saddle Lake Band:* Councillor Ralph Steinhauer and Mr. Edward Cardinal. *From the Department of Citizenship and Immigration:* Messrs. H. M. Jones, Director of Indian Affairs Branch, and Mr. C. I. Fairholm, Executive Assistant to the Minister. *From the Department of National Health and Welfare:* Dr. P. E. Moore, Director, Indian and Northern Health Services.

The Chairman called on Mr. Fane, M.P., who is not a member of the Committee, who introduced Councillor Steinhauer and Mr. Edward Cardinal of the Saddle Lake Band.

Councillor Steinhauer read the brief of the Saddle Lake Band, and was questioned thereon.

Dr. Moore, Director of Indian and Northern Health Services, supplied information on matters pertaining to health problems.

At 10.55 a.m. the Committee adjourned until 3.30 p.m. this day.

## AFTERNOON SITTING

(28)

The Committee resumed at 3.30 p.m., the Joint Chairman, Honourable Senator James Gladstone, and the Vice-Chairman, Mr. John Charlton, presided.

*Present: The Senate:* Honourable Senators Fergusson, Gladstone and MacDonald.

*The House of Commons:* Messrs. Charlton, Gundlock, Henderson, Martel, Small and Thomas.

*In attendance: From the Blackfoot Band:* Chief Clarence McHugh; Councillor Joe Crowfoot; and Councillor Adam Solway. *From the Department of Citizenship and Immigration:* Mr. L. L. Brown, Special Assistant to the Director of Indian Affairs; Mr. R. F. Battle, Chief, Economic Development Division; and Mr. C. I. Fairholm, Executive Assistant to the Director. *From the Department of National Health and Welfare:* Dr. P. E. Moore, Director, Indian and Northern Health Services.

Messrs. McHugh, Crowfoot and Solway were introduced to the members of the Committee and then Chief McHugh read the brief of the Blackfoot Tribe and was questioned thereon.

Chief McHugh tabled the following documents:

1. Copy of a document dealing with the surrender of Blackfoot timber limits. (*Identified as Exhibit No. 9*).
2. Correspondence dealing with the sale of Blackfoot reserve land to the Canadian Pacific Railway for a gravel pit. (*Identified as Exhibit No. 10*).

Mr. Brown, Special Assistant to the Director of Indian Affairs, supplied information on related matters.

At 4.45 p.m., the Committee adjourned until 7.00 p.m. this day.

#### EVENING SITTING

(29)

The Committee resumed at 7.00 p.m., the Joint Chairman, Honourable Senator James Gladstone, and the Vice-Chairman, Mr. John Charlton, presided.

*Present: The Senate:* Honourable Senators Fergusson, Gladstone, Inman, MacDonald and Smith (*Kamloops*).

*The House of Commons:* Messrs. Baldwin, Charlton, Henderson, Leduc, Martel, Small, Stefanson, Thomas and Wratten.

*In attendance:* Same as at afternoon sitting with the addition of *From the Blood Band:* Chief Jim Shot on Both Sides; Mr. Jim Big Throat; Councillor Mike Oka and Minor Chief Steven Fox, Jr.

The Committee resumed consideration of the brief of the Blackfoot Tribe with Chief McHugh being questioned and supplying additional information.

Messrs. Brown and Battle of the Indian Affairs Branch, and Dr. Moore, Director of Indian and Northern Health Services, supplied information on related matters.

*Agreed*—That Mr. Kindt, who is not a member of the committee, be permitted to question representatives of the Blackfoot Tribe.

Councillor Joe Crowfoot made a statement to the Committee in the Indian language which was interpreted by Councillor Solway.

The questioning being concluded, the Vice-Chairman thanked the representatives of the Blackfoot Tribe for their presentation and they were permitted to retire.

The Vice-Chairman then introduced Chief Jim Shot on Both Sides, Mr. Jim Big Throat, Councillor Mike Oka and Minor Chief Steven Fox, Jr., of the Blood Band and then called on Chief Jim Shot on Both Sides who made a brief introductory statement.

The Committee proceeded to the consideration of the Blood Band brief with Mr. Jim Big Throat being questioned and supplying additional information thereon, assisted by Councillor Oka and Minor Chief Fox, Jr.

The questioning being continued at 10.00 p.m., the Committee adjourned until 9.30 a.m. Friday, June 10.

FRIDAY, June 10, 1960.

(30)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairman, Honourable Senator James Gladstone and the Vice-Chairman, Mr. John Charlton, presided.

*Present: The Senate:* Honourable Senators Fergusson, Gladstone, Inman and MacDonald.

*The House of Commons:* Messrs. Charlton, Gundlock, Henderson, Leduc, Martel, Stefanson, Thomas, and Wratten.

*In attendance: From the Blood Band:* Chief Jim Shot on Both Sides; Mr. Jim Big Throat; Councillor Mike Oka and Minor Chief Steven Fox, Jr.; *From the Department of Citizenship and Immigration:* Messrs. H. M. Jones, Director of Indian Affairs Branch; L. L. Brown, Special Assistant to the Director; Mr. C. I. Fairholm, Executive Assistant to the Director; Mr. R. F. Battle, Chief, Economic Development Division. *From the Department of National Health and Welfare:* Dr. P. E. Moore, Director, Indian and Northern Health Services.

The Committee resumed consideration of the brief of the Blood Band with Mr. Jim Big Throat being questioned and supplying additional information thereon, assisted by Councillor Oka and Minor Chief Fox.

*Agreed,—*That documents submitted by the Indian Affairs Branch, with respect to the irrigation canal on the Blood Indian Reserve and licensing of water rights thereon be printed as an appendix to this day's evidence. (See *Appendix L-1*)

Mr. Jones, Director of the Indian Affairs Branch, supplied information on related matters, assisted by Mr. Battle.

At 11.00 a.m., the Committee adjourned until 2.15 p.m. this day.

## AFTERNOON SITTING

(31)

The Committee resumed at 2.15 p.m., the Joint Chairman, Honourable Senator James Gladstone and the Vice-Chairman, Mr. John Charlton, presided.

*Present: The Senate:* Honourable Senators Gladstone, Horner and MacDonald.

*The House of Commons:* Messrs. Badanai, Baldwin, Charlton, Fane, Gundlock, Leduc, Martel, Stefanson, and Wratten.

*In attendance:* Same as at morning sitting with the exception of Dr. Moore of Indian and Northern Health Services, and Messrs. Brown, Davy and Battle, of the Indian Affairs Branch.

The Committee resumed consideration of the brief of the Blood Band with Mr. Jim Big Throat being questioned thereon and supplying additional information, assisted by Councillor Oka.



*Agreed,—*That statistics and explanatory statement submitted by Mr. Jones, Director of the Indian Affairs Branch, dealing with Indians in Canada receiving social welfare benefits, be printed as an appendix to this day's proceedings. (*See Appendix L-2*)

Mr. Jones, Director of the Indian Affairs Branch, supplied information on related matters.

The questioning being concluded, the Vice-Chairman thanked the representatives of the Blood Band for their brief. On behalf of the Blood Band, Mr. Jim Big Throat expressed their appreciation for the committee's attention.

At 3.30 p.m., the Committee adjourned until 9.30 a.m. Thursday, June 16th.

M. Slack,  
*Clerk of the Committee.*

## EVIDENCE

THURSDAY June 9, 1960.

The VICE-CHAIRMAN: Ladies and gentlemen, if you will come to order, we have a quorum now.

We have the Saddle Lake band represented this morning by two delegates, and Frank Fane has asked for the opportunity to introduce these two gentlemen to us.

Mr. FANE: Mr. Chairman, members of the committee, I am always very distressed that I am not a member of this committee, and I would love to be very much. But today you have before you two members from the reserve that is almost entirely in my constituency; that is, the Saddle Lake reserve in Alberta. They are here to present a brief, of which I am sure you all have copies. Councillor Ralph Steinhauer, on my left, is presenting the brief on behalf of the Saddle Lake reserve, and Mr. Edward Cardinal is here to back him up.

If it is possible, and if they need any more backing up, I will be available to help them out—not that they need any help, because they can look after themselves in any company. Thank you. Mr. Steinhauer?

The VICE-CHAIRMAN: Thanks very much, Mr. Fane. Mr. Steinhauer?

Councillor RALPH STEINHAUER (*Official Delegate, the Saddle Lake band*): Do you wish me to proceed with the brief, Mr. Chairman?

The VICE-CHAIRMAN: Yes, and it is all right to remain seated.

Mr. STEINHAUER: Thank you.

This brief is presented on behalf of the Saddle Lake band, Alberta.

The Indians of Saddle Lake respectfully submit their suggestions to the joint committee of the senate and house of commons on indian affairs for the improvement of conditions socially and economically on and off the reserve.

### 1. Preservation of Treaty Rights

(a) We are primarily concerned with the preservation of our treaty rights. The continued protection of our reserve lands for the use of our people should be assured in perpetuity. This would include mineral rights on all lands held in reserve for the band at any time, including all surrendered land. With this assurance of protected treaty rights we would ask for full citizenship privileges. We believe that the signing of a waiver to obtain the federal vote as required under section 86 of the present Indian Act is most unfair. All discriminatory legislation should be removed from the statutes. It implies an inferiority in the Indian people which is not in accordance with the facts. Training and opportunity can make us equal to any citizen in Canada. We see nothing inconsistent in this request. Our people could develop a sense of equality with their white neighbors, while continuing to receive special assistance from treaty benefits to help us to adjust to modern civilization.

(b) At the present time some of our young people hesitate to work and settle near a job off the reserve since they feel their treaty rights might be in danger. In this connection we would ask for repeal of section 112 of the Indian Act which provides for compulsory enfranchisement.

### 2. Education

(a) We are well aware of the value of an adequate education for our young people. They will be better able to compete for jobs with equal educational opportunities. Under existing conditions it is impossible to obtain well-qualified

teachers in the Indian schools. We suggest that Indian education be placed under provincial administration. This would bring local problems to the attention of local authorities who would be in a better position to deal with them. Under the present set-up there is little attempt made to deal with juvenile delinquency. Parents must be encouraged to raise standards of living and discipline by enforcement of the provincial child welfare Act.

(b) The establishment of hostels for children attending school could solve many problems. Integrated education has improved the standard of education but has brought new problems. Supervised boarding houses would bridge the gap between residential schools and day schools or integrated schools. Some children cannot take advantage of such opportunities if they live too far from bus routes. Children whose parents are engaged in seasonal work off the reserves cannot attend school regularly. High school students in some homes have no suitable place to study undisturbed. Hostels could provide supervised study and reference texts.

(c) We find there is need of some provision for young adult education. Many young people stop attendance at public schools and later find they must have further education if they wish to enter trades or professions. We suggest the establishment at a central location of an institution to provide accelerated courses to assist young people in obtaining sufficient education to enter technical training schools.

(d) Another form of adult education required is a leadership course for chiefs and councillors. This could be arranged similar to the courses held at the Banff school of fine arts, with the same high calibre of instruction. A few members from each band council could study together for a few weeks such matters as conducting a meeting, public speaking, discussions and other subjects which would give them a clearer idea of the business which a council should handle for the band.

### 3. Health and Welfare

(a) Medical and hospital services for Indians lags behind that available to others. We are not able to pay for health care at present and for some time to come we will need a continuation of the free health care provided for us. Curtailment of the issuing of drugs and supplies creates hardship in some cases. Medical and hospital services should be restored to Indians working outside the reserve. The fear of losing these services deters many of our young people when considering permanent jobs away from the reserve. In some instances when illness strikes a family, a good job is relinquished to return to the reserve.

(b) There is a pressing need for more qualified social welfare workers. In Alberta there is one university-trained worker for all reserves. We suggest at least one for every agency.

(c) Housing continues to be a pressing problem on Indian reserves. Some help has been obtained through a welfare housing scheme. However, at the present time on our reserve there are 38 heads of families without houses and 75 with one-roomed houses. Welfare housing has been on a grant basis and supplied to those without means to provide for themselves. The houses are of minimum requirements, no basements and small floor space.

(d) Some combined scheme of grants and loans would accelerate the building program. Those who are earning a living through agriculture or local work could make good use of this type of assistance. At present they cannot afford adequate housing and are not eligible for free welfare housing. Long term loans similar to national housing loans could do much to assist in building properly constructed houses.

(e) We would like to have a written undertaking from the government to the Indian receiving a welfare grant for housing, that the house would become his personal property. This would reassure those who hesitate to accept welfare housing because they fear that they may have to pay something. It would also protect the man who puts his own work for money into a house built with a welfare grant.

(f) A home for the aged is another requirement on our reserve. There is no plan at all for care of our old people. Facilities should be provided along the lines of those available to non-Indians in the province.

#### 4. Administration

(a) Under present policy the chief and councillor on many reserves are attending council meetings without any recompense for time or mileage. In some instances the councillors are handling duties previously performed by paid government employees. There should be funds available to bands to pay costs of administrative duties performed by councillors or committee members. There should be additional provision made to assist a band with administrative costs where they take over the management of revenue moneys under section 68 of the Indian Act. We suggest that this money be paid on a per capita basis as an administrative grant.

(b) Credit facilities are not available to Indians engaged in farming or other undertakings on reserves as they are to non-Indians. Section 69 of the Indian Act provides a revolving fund from which loans can be obtained. However, it has been our experience that this money is not readily available. We would like detailed explanation of terms under which application and approval of such loans can be obtained.

#### 5. Economic Aid

(a) Direct relief to able-bodied workers does nothing toward increasing economic stability. This money would be better spent in winter work projects. There is no market for labour on the reserve nor in the immediate vicinity. Our reserve contains some of the best farm land in Alberta but due to lack of investment capital and management ability most of the acreage remains unused. There should be some way to get this land into production for the benefit of the band. Possibly the development of a community farm could provide work through relief money paid for wages. Such a project would not likely be a paying proposition but some form of local employment is necessary for family men on the reserve.

Our people have come through many changes in the past hundred years—from nomadic buffalo hunters to the atomic age. The promise in the treaties to "teach the Indian people the ways of the white man" has been sadly neglected. We need special help and guidance to attain a level of equality with other groups in the community. Raising our economic status would increase our self-respect and help us to gain the respect of our non-Indian neighbours. Most of all we need a helping hand from our neighbours—their sympathy, patience and tolerance.

The VICE-CHAIRMAN: Thank you very much, Mr. Steinhauer.

Ladies and gentlemen, we will start with No. 1, and any of the members of the committee who wish to ask questions of Mr. Steinhauer or Mr. Cardinal, may proceed now.

However, before we proceed with questions, I would like to draw to your attention, Mr. Steinhauer, that there are two sentences in your No. 1 section—the signing of a waiver to obtain the federal vote, which now has been corrected; and the last sentence of (b)—and I think the minister has assured you people that this will be removed as soon as possible—at least, the compulsory portion of section 112.



Mr. STEINHAEUER: Of course, this brief was drawn up before we had any of these assurances, so we are presenting it as it is.

The VICE-CHAIRMAN: Are there any questions on No. 1? If not, are there any questions on No. 2—education?

Mr. THOMAS: Mr. Chairman, I would like to ask the gentlemen if they are satisfied with the educational facilities provided on their reservation?

Do you have day schools there, or do you send your children to surrounding schools in other communities?

Mr. STEINHAEUER: We have a day school, and our children also are bussed out to the various schools around the reserve.

Mr. THOMAS: The non-Indian schools?

Mr. STEINHAEUER: The non-Indian schools off the reserves.

Mr. THOMAS: And do you find that works out satisfactorily?

Mr. STEINHAEUER: Not too satisfactorily because, as we say, we do not get well qualified teachers at the day school on the reserve. It is difficult to get qualified teachers to come in to the reserve.

The VICE-CHAIRMAN: You are referring to your day school on the reserve, when you say it is not working out?

Mr. STEINHAEUER: Yes.

The VICE-CHAIRMAN: Not the schools off the reserve?

Mr. STEINHAEUER: No.

Mr. THOMAS: What percentage of your children would be attending the school on the reserve, and what percentage of the children would be attending the non-Indian schools?

Mr. STEINHAEUER: I would say about fifty-fifty; would not you, Edward?

Mr. EDWARD CARDINAL (*Official Delegate, Saddle Lake Band*): Oh, yes.

Senator HORNER: Do you not think the matter of the working out of the children attending schools off the reserve is in the process of development, and that it will improve as time goes on?

Mr. STEINHAEUER: Well, it may. You will notice that we suggest in our brief that Indian education be placed under provincial education.

Senator HORNER: I noticed that. Well, the school off the reserve certainly is now under provincial regulation; it is a matter fully for the province so, if you send them to that school, which is under provincial regulation, that would meet your wishes?

Mr. STEINHAEUER: I think the schools on and off the reserve are, more or less, under the provincial curriculum. However, that actually is not the problem.

Mr. SMALL: I would like to make a comment in regard to the last two sentences at the bottom of the page, which read as follows:

Under the present set-up there is little attempt made to deal with juvenile delinquency. Parents must be encouraged to raise standards of living and discipline by enforcement of the provincial child welfare act.

That does not apply only to Indians, but applies, generally, to the whites. Sometimes I do not think there is such a thing as juvenile delinquency: I think it should be parental delinquency. The parents expect the school teachers, the churches, and so on, to do all the disciplining and correction of their children. The problem, basically, is one for the home. It is up to the parents to correct and discipline their children. However, in this present day, they

expect the school teachers and the church officials to do it. I think a good many people should change their outlook in connection with this particular matter.

Senator FERGUSON: Mr. Steinhauer, I am interested in the hostels you mentioned. Do you think the setting up of hostels would be a satisfactory solution?

Mr. STEINHAUER: We believe it would.

Senator FERGUSON: If that were so, there would not be as much integration as there would be if you allowed your children amongst others.

Mr. STEINHAUER: Well, there would be just as much integration during the school hours.

Senator FERGUSON: Yes.

Mr. STEINHAUER: We suggest that the hostels are primarily for children going to high school.

Senator FERGUSON: Off the reservation?

Mr. STEINHAUER: Yes—or, perhaps, on the reserve as well, if they are teaching higher education in the day schools.

Senator FERGUSON: Do you think that would be better than having them boarding with families near the school?

Mr. STEINHAUER: We believe that it would, yes.

Senator HORNER: Do you not think there would be a possibility, if they were with other families, that they would be better off than in the hostels, where they would be by themselves?

Mr. STEINHAUER: Well, we feel that integration has been a little bit too rapid; it has to come over a period of time. You are taking the children out of one environment and putting them into another. In this way, it is bound to deter their education.

Senator HORNER: Do you not think there would be a possibility, if they thing that ought to be developed.

The VICE CHAIRMAN: Are there any further questions?

Mr. THOMAS: Mr. Chairman, I would like to ask if these gentlemen know of any experiments with hostels or supervised boarding houses for Indian children. Have you had any experience with these, Mr. Steinhauer? Do you know of any of these undertakings that are being carried on, or tried out, at the present time?

Mr. STEINHAUER: Not as hostels, no; we have the Indian residential school, but actually it is not a hostel.

Mr. THOMAS: Well, how is the Indian residential school working out?

Mr. STEINHAUER: Fairly well. The children attending high school from Blue Quills go into St. Paul.

Mr. THOMAS: Do they go as a group?

Mr. STEINHAUER: As a group.

Mr. THOMAS: To St. Paul?

Mr. STEINHAUER: Yes.

Mr. THOMAS: On a bus?

Mr. STEINHAUER: Yes.

Mr. THOMAS: How far is the residence located from the school?

Mr. STEINHAUER: Three or three and a half miles.

Mr. THOMAS: And the residence is on the reservation, but the school is outside the reservation; is that correct?

Mr. STEINHAUER: I am not too clear on your question.

Mr. FANE: No, it is not.

Mr. Chairman, could I say a few words?

The VICE CHAIRMAN: Is it agreeable with members of the committee that Mr. Fane should answer this question?

Some HON. MEMBERS: Agreed.

Mr. FANE: Mr. Chairman, may I say that education on this reserve is a little mixed up. It has been run by church groups. This Blue Quills residential school, of which Mr. Steinhauer spoke, is under the direct supervision of the Roman Catholic church. It is a residential school. I do not know how many children go there, but I believe it has been decided that it is to operate mostly for the lower grades now. In my opinion, that particular school turned out some very fine students, and some very fine young people. However, it does not go far enough and, as Mr. Steinhauer says, they would like to have a hostel where the children could live when they went to school in St. Paul or some of these other surrounding towns, where the centralized schools are in Alberta. There is no doubt that education is very excellent in these schools. It is, perhaps, a little restricted in regard to the day school on the reserve, because it is also operated by one of the churches, under the aegis of the department of Indian affairs.

In regard to the day school on the reserve, there has been some difficulty concerning the qualifications and the quality of the teachers. Am I right about that, Ralph?

Mr. STEINHAUER: That is right.

Mr. FANE: They are not too happy with that.

Then, on this reserve, the livelihood of these people is no longer what it used to be. They used to be able to fish and trap, and there was a certain amount of lumbering carried on there. They find now that the people living on the reserve have to go away to make a living. I may say that the two gentlemen here, representing the reserve, are not among those who find it too difficult to make a living. However, a lot of them do. While they are away, working on farms, or doing other work, they pretty well have to take their children with them, because there is no place for the children to live and go to school. During that period when they are away, the children cannot go to school, because they are away with their parents, when the parents go out to work. If they had a hostel, or some kind of residence where they could stay—or even a residential school, which is in the minds of some of the people on the reserve—they would have a place to leave the children while they go out working and making their own way in the world.

I am not one who is talking too much for the residential school on the reserve. I think that in order to expedite integration, every effort should be made to have integration take place at every level. I believe that any backward step, on this business of integration, is a bad thing, and it should not be countenanced for one moment. I think these people should have every opportunity, and be encouraged, to take their proper and rightful place in the affairs of their nation. And, that is how it is; the provincial schools these children attend in St. Paul, or some of the other places which have centralized schools, are getting a perfectly good education but, as I say, there is a certain difficulty about keeping the children in school when the parents have to be out in the world making a living that is no longer available to them. I do not mean that is no longer available to them; I mean that they do not seem to be able to avail themselves of the opportunities to make a living on their own reserve. As I say our two friends here are not examples of those people. Thank you.

Senator FERGUSON: Mr. Chairman, I do not want the delegates to think I am against hostels. Perhaps they are a very good thing at this period. I think the delegates might be interested to know we have at least one hostel such as they suggest. It has been started at Alberni, British Columbia, and is working out very satisfactorily.

Mr. FANE: Also I think it would do very well in this reserve.

Mr. GUNDLOCK: Mr. Chairman, I would like to ask Mr. Steinhauer if he is aware of the fact that when, as he mentions, people go out to work and there is no place for their children to stay, there is some provision made for financial assistance to students to enable them to board out while they are at school.

Mr. STEINHAUER: That is not the case on our reserve. We have a good many families which have left the reserve to go to the sugar beet fields in the south. They have just palmed their children off on the people on the reserve.

Mr. GUNDLOCK: Mr. Jones, am I right about this financial assistance?

Colonel H. M. JONES (*Director, Indian Affairs Branch, Department of Citizenship and Immigration*): As you recall, Mr. Chairman, the point Mr. Gundlock raises is that it was stated by myself that the department does finance higher education, board and tuition fees, when students go on from primary to other types of schooling.

The VICE-CHAIRMAN: But not in the case of primary schooling.

Mr. JONES: Well, they have the integrated day schools. Possibly to get a little closer to Mr. Gundlock's question, some of these living on reserves would have children who are not getting along too well economically and of course they would be looked after by the department by means of what we call relief in the form of clothing, and what not, in order to allow the children to go to school. Does that answer the question?

Mr. GUNDLOCK: I think so. Thank you. You spoke about the people going to the irrigated areas to work in the sugar beet fields. Have you had any experience with people who took their children along and have been refused entrance in any of the schools there? Or do they take them because they have no proper living facilities?

Mr. STEINHAUER: It is because of the schooling. You cannot just take up a child in the middle of May and transfer him to another school and expect him to get along. They have to leave them at the home school in order that they will be able to finish the term. These people have to leave in order to make a living.

Mr. GUNDLOCK: It is on the basis of education that you are speaking.

Mr. STEINHAUER: Yes.

Mr. GUNDLOCK: They could go along with their parents and transfer to another school. Actually, I bring my children back and forth between Ottawa and Alberta. They have no trouble—the younger ones.

Mr. STEINHAUER: I do not think this would be good for the children. We cannot see the point of transferring them and having them two months here and three months there, and also expect them to get along. Mind you, you are dealing with a different type of child. They are being reintegrated when they go to another school.

Mr. GUNDLOCK: I do not mean to labour this point, but have you considered that the experience might be worth something to them, particularly since we have been speaking so much about integration and new experience.

Mr. STEINHAUER: We find that a white man is a white man wherever you find him, and with white children it is the same thing.



Mr. GUNDLOCK: Generally speaking, I think they are pretty much the same.

Mr. STEINHAUER: From the standpoint of advancement in the school I do not think it would be a good thing for the children. As it is they have difficulty enough in integrating at one spot.

The VICE-CHAIRMAN: Are there any further questions on education?

Senator SMITH (*Kamloops*): The last sentence in "c" reads as follows:

We suggest the establishment at a central location of an institution to provide accelerated courses to assist young people in obtaining sufficient education to enter technical training schools.

Is the suggestion there that a special institution be established for the training of the Indian boys and girls?

The VICE-CHAIRMAN: I assume so.

Mr. STEINHAUER: Well, in a way it is, yes; but recently we have found that the children are being taken into the cities to technical training schools and they find board and room there.

Senator SMITH (*Kamloops*): I would be inclined to discourage the planning of special institutions because the Indian boys and girls would be segregated and miss the opportunity which is afforded under the public school system. Personally, I know some young Indian folk who are taking advantage of adult education classes in the same way white people do, and it is a tremendous advantage over taking the training in an institution where there would be only Indians.

Senator HORNER: On the question of moving, I would like to agree with Mr. Gundlock. My own boy moved his family back from Alberta to the schools here. In talking to Dr. Penfield he asked how the children managed. My son told him that perhaps some of them did better here than there. The whole thing, however, is the teacher. Dr. Penfield agreed that that is the main problem. For instance, you might find by moving that you have a better teacher. It all really depended on the teacher as to how the child stood the change in moving from one school to another. I think that the experience they gain in meeting different types of children and being in different surroundings is of great value to them in their later life. That is my own opinion.

Mr. STEINHAUER: Do you mean that the children are picked up in the middle of a school term at any time?

Senator HORNER: I still maintain if one is fortunate in finding a good teacher that even that is a very little disadvantage.

Mr. STEINHAUER: The teaching profession does not recommend it.

Senator HORNER: They might not, but I think it depends purely on the teacher.

Mr. HENDERSON: I do not agree at all. In the Peace River country from which I come we had the oil workers. They came in with their trailers and brought their children. I was chairman of the school board. They stayed maybe three months or two months. It did not work out at all. The children were behind when they came there and they were behind when they left. This was a cross-section of America—United States children and Canadian children. It did not work out.

Mr. FANE: I too do not agree with Senator Horner and Mr. Gundlock on that because there is a great deal of difference. The members of parliament bring their children down here in January; they start in in the half-school term, at the beginning of the half-term and they stay until the end of it. On the other hand in respect of these Indian people, it is a very seasonal matter. They might be in one place for a month and then somewhere else, and then they may

not be anywhere for the next while. It means moving around all the time. I would doubt that the comparison in these moves is quite fair.

Senator HORNER: I am still of the same opinion.

Mr. SMALL: In British Columbia we encountered the problem of the parents going away to work and taking their children with them. This is the other side of the picture, where the parents go away and leave the children behind to be taken care of by relatives or someone else. That is the breeding bed of the juvenile delinquent. To start off with, there is no control over these children who are being left behind. There is the feature of the parents going away and leaving their children behind to be looked after by someone else. It is not a very satisfactory arrangement. Is it necessary for both parents to go away to work?

Mr. HENDERSON: You bring your wife down here. You do not like to come without your wife.

Mr. SMALL: You just said the wrong thing, because that is not the case.

Mr. HENDERSON: I have my wife here.

Mr. GUNDLOCK: Actually, I am quite serious about this. As a matter of fact I also am an old school board chairman in this particular sugar beet area about which we are speaking. I do know it would be possible for the Indian worker in the sugar beet area to live where a bus could come by and take the children to school. These people are away from early in May or probably in April until the end of the school year. Seriously, I think this would be good experience for the children. The sugar beet season roughly is from April until October or November. That is a long period for the parents to be away from the children. While the move may be a little unsatisfactory, certainly leaving the children without their parents is much more harmful. There are good teachers, good schools and fine facilities. In that area you could not live any place where a bus would not come to the door and take the children right to school. I think this should be considered very seriously.

Mr. STEINHAUER: I still do not quite agree. It is not only the children who are being taken from the integrated schools who are affected. We also have the day school on the reserve and the children of parents who have to go out to work will be affected. One thing we do not want to do is break into the possibility of the children getting a better education. If we go along with a suggestion like that we will just break into the routine of their education.

Mr. GUNDLOCK: Do not misunderstand me. I am not putting this forward as a suggestion to the committee. I am suggesting just that it might be worthy of consideration.

Mr. STEINHAUER: We are suggesting that we do not think it is worth consideration.

The VICE-CHAIRMAN: Are there any further questions on this? If not, we will go on to the section on health and welfare. Are there any questions on this section?

Senator FERGUSON: Would Dr. Moore say something on that first sentence.

The VICE-CHAIRMAN: "Medical and hospital services for Indians lags behind that available to others"?

Senator FERGUSON: Yes.

The VICE-CHAIRMAN: Dr. Moore, would you comment on that.

Dr. P. E. MOORE (*Director, Indian and Northern Health Services, Department of National Health and Welfare*): On Saddle lake we have a nurse, a nursing station for that reserve. The facilities of the hospitals of the area are

open to Indians who are insured. We pay the premiums for the Indians in Alberta. Specialist services are provided in our hospital in Edmonton, where we have a consulting staff of the university of Alberta.

In the whole agency I think we could well use another nurse; I think that probably the nurse there has more than she can handle. That is our public health nurse.

We do not have our own full-time doctors; we have arrangements with doctors in the towns. As for the issuing of drugs and supplies, there are drugs available in our own dispensaries. If prescriptions are issued and they are not taken to our own dispensaries, Indians who are in a position to pay are asked to pay for them in the drug store. They are not issued free from druggists, except when it is a drug that we do not carry and it is known that the Indian is not in a position to pay.

Of course, we do pay for medical care of Indians who are away from the reserve, who have not been away for a period of 12 months and are not settled on lands assessed for taxes, where they then have residence qualifications in the municipality where they live.

This year, and I think last year also—I know we are doing it this year—we are going to see that there are public health nurses that go down to the sugar beet area, because there is quite a large collection of Indians there, and it is a very good time to catch up with some of the people we have missed, in getting their salk vaccine, diphtheria toxide, and so on.

If there are any specific questions which the delegation from Saddle lake would like to bring up on this matter, I will try to answer them. I think the spokesman is pretty well in a position to know what the nursing service is in that area.

The VICE-CHAIRMAN: Thank you, Dr. Moore.

Mr. STEINHAEUER: This is where we state that medical and hospital services should be restored to Indians working outside the reserve. There are a lot of our young people working off the reserve, and when they are off the reserve for six months they have no more medical facilities.

The VICE-CHAIRMAN: It is 12 months.

Mr. STEINHAEUER: We find it is six months. My partner here can tell you from personal experience on that. He has children who are working off the reserve, and they find it rather difficult. They cannot even get medical care at the Charles Cammell hospital in Edmonton, because they have been away from the reserve for a period of six months or more. We would like a little explanation on that.

Dr. MOORE: This is news to me, because our official regulations are 12 months, the same as the Indian affairs branch has on welfare. It is a local mistake, if that is the case.

We are having a meeting of our field officials here the week after next, and I will certainly bring this up and see that that is corrected, because it is 12 months; and then, only if they are established and making their own way. It is if they are living on land that is assessed for taxes and obtain residence qualifications in the municipality.

Senator HORNER: Then it is the municipality's responsibility after the year; is that so?

Dr. MOORE: They are a resident in that municipality, with the same rights as anyone else. I know that sometimes the municipalities do try to evade their responsibility in this matter. I was reading a brief that is coming up, where it is going to be suggested that some very definite scheme be worked out between federal, provincial and municipality authorities. Of course, that would solve this problem.



The VICE-CHAIRMAN: Are there any more questions on that?

Mr. STEINHAEUER: May I ask Dr. Moore a question?

The VICE-CHAIRMAN: Certainly.

Mr. STEINHAEUER: You mentioned paying medical insurance for these people, Dr. Moore. Just what do you mean by that? We have not any of that on our reserve.

Dr. MOORE: Hospital insurance.

Mr. STEINHAEUER: That is like the M.S.I. and Blue Cross, do you mean?

Dr. MOORE: No. You have government hospital insurance in Alberta, and all the Indians are covered. Each province has a different scheme. In Alberta it is assessment against the land. The land of all the Indian reserves in Alberta was assessed, and we pay the mill rate to the Alberta government. For that mill rate, every Indian in Alberta has the same privilege of access to any hospital in Alberta as any other citizen of Alberta.

Mr. STEINHAEUER: It is slow getting 'round to the Indians in Alberta, then.

Dr. MOORE: If an Indian enters Charles Camsell hospital, our own hospital, we collect from the province for his care in there. There is a per diem rate established by the Alberta government. The same applies to the two hospitals, in St. Paul or Bonnyville, or wherever it may be.

Mr. STEINHAEUER: If an Indian breaks his leg in Alberta and he goes to hospital in Wainwright, they will not mend his leg until they find out who is going to pay for it—and they may be two or three days.

Dr. MOORE: The doctor's bill is not covered; but the hospital bill is. Every Indian is insured for his hospital care.

The VICE-CHAIRMAN: Are there any further questions on health and welfare? No. 4, administration. Are there any questions on administration?

Senator HORNER: Yes, Mr. Chairman. It is mentioned in this brief that the councillors attending their own council meetings should be entitled to receive recompense for time or mileage. Where do you suggest the money would come from to pay them for attending the meetings?

Mr. STEINHAEUER: Right at the bottom of the paragraph:

We suggest that this money be paid on a per capita basis as an administrative grant.

Mr. GUNDLOCK: Mr. Chairman, I have just one question on the second sentence under (a):

In some instances the councillors are handling duties previously performed by paid government employees.

I do not quite understand that. Is that actually a fact?

Mr. STEINHAEUER: If it was not a fact, it would not be there.

Mr. GUNDLOCK: I do not mean to be ambiguous; but could you give any instance?

Mr. STEINHAEUER: I can give you several instances. We go to a council meeting, and there is at the council meeting all kinds of business and affairs of the Indians that come up.

We are broken up into committees. The committee on welfare looks after welfare; the committee on agriculture looks after agriculture. I happen to be on the agricultural committee, and this year we had to deal with the question of band funds and the individual ownership of bulls. That took a lot of organization. I believe that previously everything was done by the assistant superintendent. This year, all the mileage was covered by the committee—and time.



If you are farming, time is more valuable spent on your own farm than it is running all over the reserve—that is a foregone conclusion. On our reserve, our councillors are paid a per diem allowance for each council meeting one day per month, and any time spent after that is spent on a voluntary basis, at their own expense.

There are all kinds of things that come up there; welfare, for instance. If there is a family that is destitute, the welfare committee is sent out to investigate. Previously it was done by the assistant superintendent. If there is a distribution to be made of something—like we were given quite a bit of this canned pork, or whatever it is—we have to notify the people; and sometimes it takes quite a bit of travelling around. As the council was beginning to find, at \$10 a month we cannot do \$200 worth of work and make our own living.

We feel that it is as much the responsibility of the department as it is our own. After all, the great cry is to improve the conditions on the reserves, and if the councillors are expected to do part of that, we feel that in order to take part of this responsibility we should have some recompense from the government.

Senator HORNER: What is the set-up on your reserve? Have you a superintendent, a farming instructor?

Mr. STEINHAEUER: We have a superintendent over all the reserves at Saddle lake, and we have the assistant at Saddle lake—a resident assistant.

Senator HORNER: And a farming instructor?

Mr. STEINHAEUER: There is no farming instructor. I think that the farming instructor went out with the horse and buggy, did he not?

Senator HORNER: Well, a lot of the land has been rented low, in any case.

Mr. STEINHAEUER: Now that you raise that point, Senator, I think it was a real loss when we lost the farming instructors. I think the records will show that farming has fallen down since the farming instructor, shall we say, has been promoted to assistant superintendent. Some of the superintendents we have there do not know anything about farming.

Senator HORNER: The farming instructor assisted in advising you on getting into stock, and that sort of thing?

Mr. STEINHAEUER: Yes, in those days; in the days of the farming instructor.

The VICE-CHAIRMAN: Is the agricultural representative of the provincial government doing anything on these reservations at all?

Mr. STEINHAEUER: It is always the same thing: "You are a federal responsibility. We can help you, if we have the time."

The VICE-CHAIRMAN: But if he is requested, he will come in and help, will he not?

Mr. STEINHAEUER: They will. They are very good that way, I will say that, around Saddle lake. The ag. rep. in St. Paul is willing to give what time he can. Mind you, he is not paid by the federal government, so he is responsible to the provincial government and he takes his orders from them.

Also, the ag. rep. in Two Hills has been very good to us.

The VICE-CHAIRMAN: Are there any further questions on this section? No. 5, economic aid.

Mr. THOMAS: May I ask there, Mr. Chairman, what the delegation has in mind for winter work projects?

Mr. STEINHAEUER: We had a winter work project going in 1958 and 1959 that worked out very well. Of course, it was clearing roads. I admit that you cannot clear roads forever; but it certainly made a difference in the economic standard of the people there.

This comes back again to the question of education. It was better for the kids that were going to school; there was not as much absenteeism.

Mr. THOMAS: Have you any suggestions other than clearing winter roads? Is there land to be cleared, or other work to be done in that area that could be used as winter work projects?

Mr. STEINHAUER: If I were to elaborate on our plan here, ladies and gentlemen, it would take all day. But we have a project in mind. Also, I want to draw your attention to the last sentence there:

—such a project would not likely be a paying proposition, but some form of local employment is necessary for family men on the reserve.

There are 63,000 acres of arable land—am I right, Mr. Battle? I am glad to have Mr. Battle here for reference. Probably 5,000 or 6,000 acres of that is under cultivation.

We have been kicking around the idea of a corporate farm there—just trying with the idea.

Mr. HENDERSON: Well, you have the right idea right there.

Mr. STEINHAUER: We are not advocating this at all; but it would be strictly under government supervision. Out of 63,000 acres you could open up quite a project. There is also the education for the younger people who in time may take up farming. We realize that you cannot make farmers out of every one of them, but some of them may take it up. But it would be a very, very costly operation.

This idea came up from a letter that was received by our good member, Mr. Fane. I think he took it to Colonel Jones. We had been talking about it before, as to establishing a corporate farm. We could employ a lot of people there, clearing, fencing, and work of all kinds. But, as I said before, it would not be a paying proposition, because with all the modern equipment that we work with now, that could be done in that way a lot more cheaply; but we do not see that that would be the proper method of using up the available labour. We would have to go back to the old brush axe, sledgehammer, and what not to employ them.

Mr. THOMAS: You would chop the brush off and let the roots rot?

Mr. STEINHAUER: That is right.

Mr. THOMAS: And in the course of years you would have the land cleared and under cultivation?

Mr. STEINHAUER: Quite. A project of that kind could develop into something quite large, in time to come. The proceeds from the cultivated land—that is, the crops—could eventually go back into feeding a large herd, a feed lot, and so on. You can imagine in your own minds just how it could be developed, if properly handled. But, as I say, if the money is readily available, and we can sell the idea to the government, then we will go home and try and sell it to the people.

Senator HORNER: Is a great part of this land that is not cultivated, suitable for grazing?

Mr. STEINHAUER: No, it is not. It has grown up into bush. Whereas 10 or 15 years ago it was fairly open land, it has grown up into scrub bush. But, as the brief says, it is some of the finest land in the province of Alberta.

Mr. FANE: I subscribe to that also. I wish I had it on my farm.

Mr. STEFENSON: Do you feel that this project will eventually make the Indians on your reservation self-supporting, and will eventually eliminate the need for relief rations?

Mr. STEINHAUER: Yes, we do feel that it would, to be perfectly frank in answering your question.

Mr. THOMAS: May I ask how many Indians there are on the Saddle lake reserve?

Mr. STEINHAUER: That is, men, women and children?

Mr. SMALL: Yes, population.

Mr. STEINHAUER: About 1,760 some odd.

Mr. SMALL: Two thousand?

Mr. STEINHAUER: You can get the figures better from Mr. Battle or Colonel Jones here. I am away from home a great deal, and I do not always see what goes on.

Mr. THOMAS: It would be about 30 acres per capita?

Mr. STEINHAUER: Yes, it is about 30 acres per capita.

Mr. JONES: Mr. Chairman, the figure is 1,650.

Mr. STEINHAUER: That is on Saddle lake?

Mr. JONES: And Goodfish.

Mr. STEINHAUER: I am quoting figures for the two reserves here, because, after all, we are all one.

The VICE-CHAIRMAN: That is the total for both reserves?

Mr. JONES: Yes, 1,670.

The VICE-CHAIRMAN: I think Mr. Battle has some comments to make here.

Mr. R. F. BATTLE (*Chief, Economic Development Division, Indian Affairs Branch, Department of Citizenship and Immigration*): It was just in connection with the population, Mr. Chairman.

Mr. HENDERSON: I think they have a really good idea. I have often thought of this myself. They could have a big feed lot; they could grow lots of hay and grass seed, and raise pigs. Pigs are down at the bottom right now but—

The VICE-CHAIRMAN: No, they are not.

Mr. HENDERSON: But they would pay—

The VICE-CHAIRMAN: They were 'way up the last couple of days, Gus.

Mr. HENDERSON: Thank goodness. We raise lots of them at home.

Mr. THOMAS: Mr. Chairman, I should like to endorse that idea. I think that wherever these Indian reservations have arable land included, every effort should be made to make full use of that arable land.

I know there are some reservations in southwestern Ontario where that applies, and there are some reservations that do not have good land included and other arrangements will have to be made there for the Indians. But wherever the land is arable, I think every effort should be made to make the fullest possible use of that land, for the benefit of the Indians. I am willing to back that idea just as far as we can go with it.

Mr. HENDERSON: I think it is a good one myself.

Mr. FANE: May I add another word in connection with this, Mr. Chairman. I just want to remark to you how well that would go, because Mr. Steinhauer here, in his own right, so far as he is allowed to do it in his own right, operates a farm of 600 cultivated acres, more or less. Mr. Cardinal here operates a farm of 300 acres. There are other people on the reserve who operate comparable amounts. I cannot see why in the world a farm would not be just the greatest idea that could be, with men like these to run it and to conduct the business.

I think it would work. I am sure that at Saddle lake it would work. The people at Saddle lake are no different from any other group of people. There are certainly some that would not help too much; but the majority of the people there are comparable to these two gentlemen here. I would have no no hesitation in backing them for that 100 per cent.

As I say, there are some who would groan; but the majority of the people are comparable to my two friends here. Thank you, Mr. Chairman.

Mr. THOMAS: Mr. Chairman, may I add another word. I like the idea of the corporate farm, because I think it would fit well into the idea of the band; it would tie in with the present method of planned ownership of property. I think that idea could be good business and should be explored as far as possible and given every consideration.

Senator SMITH: Mr. Chairman, I am wondering if this suggestion of a corporate farm is along these lines. Is the thinking along the line of a community farm—I see community operations mentioned in the brief here—where the operation would be confined to the members of the band, with the assistance of the government? Is that the idea; or do you mean a real corporate farm operation, such as we are reading a lot about these days, where it would be an invitation to outside capital and outside management, and getting assistance in that way; or is that a community band proposition?

Mr. STEINHAUER: Not at all, a complete band operation. As I said before—and I am glad Colonel Jones is here—with the assistance of the government, because it is going to cost the government just as much to operate, or more, than it costs when they are issuing relief. The paragraph said:

Direct relief to able-bodied workers does nothing toward increasing economic stability.

That is our big problem right there. We do not like to see able-bodied men handed out something for nothing, as it were, because it just breaks their incentive for anything else.

Senator HORNER: Have you any oil wells?

Mr. STEINHAUER: No, we are not in that category at all. We actually operate on a shoestring.

Mr. SMALL: The idea behind your proposal is that eventually it will get rid of this relief that is being paid out, and it will probably be self-supporting eventually?

Mr. STEINHAUER: We hope it would be self-supporting some day, but you never know.

Mr. SMALL: One job would make another. There would be farmers and other things necessary, the same as in any other community. One job leads to making others, and under good management it could support itself, could cut down the cost at the present time and make it more autonomous, having a body of its own. It could be studied further, there is no question about that.

Mr. STEINHAUER: This is just a method of getting away from this idea of giving, say, a family with \$65 a month—giving it to the head of a family one day, and he has nothing else to do till he goes back for the next \$65. This way he would be gainfully employed, more or less.

The VICE-CHAIRMAN: Could this be more properly termed a cooperative farm?

Mr. STEINHAUER: You might term it that, though a cooperative farm must be self-supporting. We could not say this is.



Mr. SMALL: It would not be at the start, but eventually it would be.

Mr. FANE: There is no reason in God's world it would not be self-supporting after it had started operating.

Mr. HENDERSON: It will be self-supporting.

Mr. FANE: With people like Ralph here and the other people I have mentioned, such as Ed., there is no reason in God's world why it should not be self-supporting, after a very short time.

The VICE-CHAIRMAN: Any further questions on this?

Ladies and gentlemen, it is seven minutes to 11. We have to adjourn before 11 o'clock, because the house goes into session then. We have two other bands to hear this afternoon.

The clerk advises me that neither one of these two briefs for this afternoon has been tabled, so we will ask that they be tabled now, and they will be read this afternoon.

If there are no further questions to this Saddle Lake deputation, we thank you very much, Mr. Steinhauer and Mr. Cardinal, for appearing before us. We appreciate the advice that you have given us, and you can be sure that the committee will consider it very carefully in their deliberations later on.

Senator INMAN: At what time do we meet this afternoon?

The VICE-CHAIRMAN: I was just coming to that, Senator Inman. Would it be satisfactory to the committee to meet at 2.30 instead of 3.30 this afternoon?

Senator INMAN: The senate meets at 2.30 this afternoon.

Senator FERGUSON: We are having the Prime Minister of Australia there.

The VICE-CHAIRMAN: Luncheon is at 1 o'clock.

Senator FERGUSON: The senate meets at 2.30 today.

The VICE-CHAIRMAN: I am in your hands, whatever the wish of the committee is as to what time you want to start this afternoon. I suggest that if we start at 3.30 it might be a little difficult to finish this afternoon as we have two delegations this afternoon.

Mr. MARTEL: We are here tonight anyway, and, if necessary, we can sit tonight.

The VICE-CHAIRMAN: If that is your wish. What do you suggest? Do you want to leave it until 3.30?

Mr. THOMAS: Unless there is some special reason, we might as well meet at 2.30.

The VICE-CHAIRMAN: Senator Inman has given us the special reason, and that is that the senate is meeting this afternoon at 2.30. What about 3 o'clock?

Mr. SMALL: Make it 3 o'clock.

The VICE-CHAIRMAN: Is 3 o'clock satisfactory then?

Senator HORNER: Not for us.

Mr. SMALL: What about 3.30?

Senator MACDONALD: (*Kings*): We will take a chance on that.

The VICE-CHAIRMAN: We stand adjourned until 3.30 this afternoon, in the same room.

Mr. FANE: Might I thank you, Mr. Chairman, and the committee for allowing me to be present with my friends, and to speak to you. Thank you very much.

The VICE-CHAIRMAN: Right, Mr. Fane.

## AFTERNOON SESSION

THURSDAY, June 9, 1960.

The VICE-CHAIRMAN: Ladies and gentlemen, we have a quorum now. We have here with us this afternoon the Black Foot tribe, represented by Chief Clarence McHugh, Councillor Joe Crowfoot and Councillor Adam Solway. Will those three gentlemen please come forward now?

Ladies and gentlemen, now we have the witnesses before us: Chief Clarence McHugh, Councillor Joe Crowfoot and Councillor Adam Solway.

I understand, Chief McHugh, you are the spokesman for the group?

Chief CLARENCE MCHUGH (*Official Delegate, Blackfoot Indian Tribe*): Yes.

The VICE-CHAIRMAN: We would ask you, chief, to proceed with your brief, and it is all right for you to remain seated, if you wish.

Chief MCHUGH: This was the brief we submitted on December 14, 1959.

In May 1958 the chief of the Blackfoot tribe and the Council of the Blackfoot tribe of Gleichen, Alberta presented to the Indian Affairs Branch in Ottawa a number of problems and complaints concerning the Blackfoot tribe.

We believe that these complaints have since then not received full consideration by the Indian Affairs Branch, and little or no action has been forthcoming since.

Therefore the chief and council unanimously decided that the chief personally present these complaints to the Joint Senate-Parliament Committee in Ottawa.

The following are the problems and complaints:

1. Non-payment of ammunition monies from 1877 to 1959 as contained in Treaty No. 7.
2. Sale of Blackfoot timber limits without compensation to the Blackfoot tribe, Surrender No. 332.
3. Sale of Reserve land to the C.P.R. for a gravel pit without compensation (ref. No. 12002, Sale No. 3).
4. Surrender of 120,000 acres of Reserve land 1910 without the full approval of the tribe.
5. Taking of three roadways and one C.P.R. railroad crossing on Reserve land by Order in Council without compensation.
6. Payment of wages and expenses from Band funds to Blackfoot Agency staff members of the Indians Affairs Branch, from 1912 to 1954 without the approval of the tribe.
7. Building of Blackfoot hospital and maintenance of same from 1922 to 1956 without the approval of the tribe.
8. Order In Council relative driving licenses required for driving on Reserve land.

I believe there was another one added to that by our superintendent, Mr. Morley. He had a letter from the joint committee stating that if there was any more to add, if he got it in by the seventh it would be in the brief. It was covering band loans.

The VICE-CHAIRMAN: Apparently it has not been received here, so you had better include it in your brief, and it will be put on the record.

Chief MCHUGH: Thank you.

The VICE-CHAIRMAN: So you should include it now in your brief, and then it will be on the record with the other points.

Chief McHUGH: We will include that as No. 9.

The JOINT CHAIRMAN (*Senator Gladstone*): Have you a brief on it?

Chief McHUGH: No, we have not. He was to send the thing down, you see.

The VICE-CHAIRMAN: What is that?

Chief McHUGH: Band loans from band funds.

The VICE-CHAIRMAN: Will you read it, or explain it to the committee?

Chief McHUGH: The band loans we want to talk about are band funds. We have our own band funds we make loans out of. We want to discuss the regulations covering them for loaning purposes.

The VICE-CHAIRMAN: That is from your own band funds?

Chief McHUGH: Yes, from our own band funds.

Senator MACDONALD: Mr. Chairman, would it be a fair question to ask the chief: What are the band funds used for? If it is not a fair question, he does not have to answer it.

The VICE-CHAIRMAN: If you do not mind, Senator MacDonald, I wonder if we could start back at No. 1, instead of starting at the last one. It might be a little better.

Do you want to make any further comments on No. 1, or would you like questions to be directed and answer them during the question period?

Chief McHUGH: I wonder if I should read that part in the treaty, about the ammunition money?

The VICE-CHAIRMAN: If you wish.

Senator FERGUSON: What page is that?

Chief McHUGH: That is on page 5.

Mr. THOMAS: Mr. Chairman, does Chief McHugh intend to read the whole treaty?

The VICE-CHAIRMAN: Just that portion of the treaty, I presume.

Chief McHUGH: Yes, just the portion:

Further, her Majesty agrees that the sum of two thousand dollars shall hereafter every year be expended in the purchase of ammunition for distribution among the said Indians; Provided that if at any future time ammunition become comparatively unnecessary for said Indians, Her government, with the consent of said Indians, or any of the Bands thereof, may expend the proportion due to such Band otherwise for their benefit.

The VICE-CHAIRMAN: Any questions on that, ladies and gentlemen?

Mr. THOMAS: The contention of Chief McHugh is that this treaty has not been observed?

Chief McHUGH: Yes.

Mr. THOMAS: Was this \$2,000 for ammunition ever paid in any year?

Chief McHUGH: Not as far as we could find. There are five bands in treaty No. 7—the Blackfeet, the Bloods, the Peigans, the Sarcees and the Stonies—and \$400 was allowed each a year for ammunition.

We approached the department in 1958 regarding this, and I will repeat Mr. Jones' words when I asked him concerning this. He said: "For the last thirty years, while I have been in office, the Blackfeet have not received one cent of this ammunition money. Prior to that I would have to check, because I do not know what the former administration did. Anything that can be proved in writing will have to be refunded." So far we have heard nothing since, and that was in 1958.

Mr. THOMAS: I wonder, Mr. Chairman, if the officials of the Indian affairs branch have any comment concerning that?

Mr. L. L. BROWN (*Special Assistant to the Director of Indian Affairs*): Yes, I could make a comment, Mr. Chairman. The statement made by Colonel Jones, that Mr. McHugh just mentioned, was perfectly correct. There had been no ammunition monies paid to the Blackfoot band in recent years at all. There was a distribution made from the date of the treaty in 1877, to all bands involved, up to about 1883 or 1884. From that date on there seems to have been small amounts paid to some of the bands. There is no firm record as to what was paid the Blackfoot, other than small amounts over some years up to about 1912, but perhaps not what Mr. McHugh would say they were entitled to. But there is a provision in the treaty Mr. McHugh just read:

Provided that if at any future time ammunition become comparatively unnecessary for said Indians, Her Government with the consent of said Indians, or any of the Bands thereof, may expend the proportion due to such Band otherwise for their benefit.

Now we have been trying for over two years, ever since Chief McHugh was down to Ottawa in 1958, to trace back the old correspondence concerning ammunition throughout the various agencies. I have been in the branch 20 years, and I cannot think of any one thing we have spent as much time trying to get to the bottom of as this. I can appreciate Chief McHugh thinking we have done nothing, but, in fact, the opposite is the case. Mr. Fairholm has spent many hours on it, and we have had people go through the records of the Glenbow foundation, and we have two of our staff looking through the old commissioner's records in Regina.

There are indications—and we have run across a couple of letters from the local agent back about 1882, recommending that clothing be supplied in lieu of ammunition, but we cannot find out what happened as a result of this recommendation. These are some of the documents we are trying to find. I think it is fair to say that during the years from 1882 or 1877, shall we say, up to 1920 the government has spent well over \$1 million on the Blackfoot band on items not provided for in any treaty, so there has been considerable expenditure made on other matters, but not specifically recited as being in lieu of ammunition.

Mr. THOMAS: Is there any evidence to indicate that this change in the allowance was made with the consent of the band, as provided for in this treaty?

The VICE-CHAIRMAN: That is what Mr. Brown was trying to explain. They have been trying to find in old correspondence whether it was or not.

Mr. BROWN: That is right, whether it was with their consent or otherwise; but we have not yet been able to find anything concrete on the item.

Mr. GUNDLOCK: In view of the fact you do not find anything, I do not really see why you need look for it. It is in the treaty, and the amount is named. Why the devil do you not pay it?

Mr. BROWN: I think the reason it was discontinued was there was no requirement for it, actually.

Mr. GUNDLOCK: It says "ammunition or something else." There certainly must be the requirement.

The VICE-CHAIRMAN: They have been spending much more than that on other things.

Mr. GUNDLOCK: Why did they not earmark the \$2,000 and live up to the treaty?

Mr. BROWN: That was not done, as such.

Mr. GUNDLOCK: I would like to know why. I do not understand that kind of business.



Mr. THOMAS: It does not say the \$2,000 shall be turned over, but it is worded:

Her Majesty agrees that the sum of two thousand dollars shall hereafter every year be expended in the purchase of ammunition for distribution among the said Indians—

It does not say the money shall be turned over, but that it shall be expended for the purchase of ammunition distribution amongst the said Indians.

Mr. GUNDLOCK: They sure owe a lot of ammunition, then.

Mr. THOMAS:

Provided that if at any future time ammunition become comparatively unnecessary for said Indians, Her Government, with the consent of said Indians, or any of the Bands thereof, may expend the proportion due to such Band otherwise for their benefit.

The JOINT CHAIRMAN (*Senator Gladstone*): The last paragraph of that is what concerns his brief now. That is the last paragraph you read just now.

Mr. SMALL: Mr. Brown said that since then they have been expending money on clothes and other things for their benefit. Well, there is no written agreement it is being done with their consent, and they have probably spent it on something else besides clothes which would be for their benefit; but it is not done by tacit agreement or tacit arrangement. There has been no agreement as to how that money should have been spent. The department has probably assumed or taken it upon themselves they were expending it and they were getting the benefit; and that would be sufficient and good enough.

The JOINT CHAIRMAN (*Senator Gladstone*): I do not think the department had any idea they were replacing the ammunition with the amount of the money they spent.

Mr. SMALL: But they were buying clothes and different things for them which they were not buying before. I do not say that is correct, but that is probably their thinking.

The JOINT CHAIRMAN (*Senator Gladstone*): In my recollection this ammunition money was paid out until 1895, and I think it is recorded in the old blue books. It was mentioned that the ammunition was not needed any more for hunting, but no word was said as to how this money was going to be spent.

Mr. SMALL: Because there was not an agreement made, this difficulty came about.

The VICE-CHAIRMAN: I presume this ammunition was to be purchased and delivered or distributed to those bands. You would not want that ammunition today, would you Chief McHugh?

Chief McHUGH: No.

The VICE-CHAIRMAN: You just want to make sure that the money is being spent in some other way helpful to you, is that right?

Chief McHUGH: Yes.

The VICE-CHAIRMAN: I think Mr. Brown could possibly clear up this situation.

Chief McHUGH: I have one further question I would like to ask, Mr. Chairman. Mr. Brown stated there had been so much money spent on clothing for the Blackfoot band. I think the honourable chairman will agree with me that the Blackfoot band has more than paid its share in looking after itself. As far as we have any recollection, there has been no welfare outside of the \$13,000 given to us a year ago to help us with roads, and the Blackfoot band matched this figure dollar for dollar. This year we received \$10,000 for roads and \$15,000 for houses. We have matched those grants dollar for dollar. This is the first money we have received from welfare.

Mr. THOMAS: Mr. Chairman, could we ask Chief McHugh what he feels should be done? Do you feel, Chief McHugh, that when the purchase of this ammunition was ceased by the government that they should have turned over to you the cash in lieu of the ammunition?

Chief McHUGH: No. I am thinking in terms that, if they have nothing to take off of the payments, this should be turned over to the credit of the band for the use of that band.

Mr. THOMAS: In other words a sum equivalent to what would have been spent for ammunition, had that allowance been continued to date, should be turned over or should be credited to the band for the use of the band?

Chief McHUGH: Yes.

Mr. SMALL: Senator Gladstone, did you say that it was your recollection that in 1890 this was discontinued?

The JOINT CHAIRMAN (*Senator Gladstone*): A certain amount of that was discontinued. It appears in the blue book report.

Mr. SMALL: It is in the blue book report?

The JOINT CHAIRMAN (*Senator Gladstone*): Yes. However, they did not show what the remainder of that sum was spent on. It is just reported that the Indians did not need the ammunition and it was not purchased.

Mr. SMALL: Of course the figure that he is giving us from 1877 to 1959 would run the sum to about \$164,000 which, divided by four, the number of bands participating, makes a figure of \$40,000 for each band that they would be looking for, which should be turned over to the bands. That is the sum and substance of what they are after.

The VICE-CHAIRMAN: Are there any further questions in regard to this particular item, ladies and gentlemen?

Mr. MARTEL: Mr. Chairman, I understand from this brief that they made a request in May, 1958 and are now making a further request in regard to this problem. I suppose these requests have been brought to the attention of the department officials year after year before 1958, or is the 1958 request the first request they have made that this question be revised, or that payment be made, or the consent of the bands obtained? According to the treaty, consent must be obtained from the bands to apply the fund somewhere else.

The VICE-CHAIRMAN: Was there any representations made before 1958 in this regard?

Chief McHUGH: Yes, two years previous to that we repeatedly wrote to Ottawa. We received some letters containing statements of how certain sums of money had been spent for the bands in the west, but that no records could be found to show where any part of this money had been spent. In one letter it was suggested that a certain sum of money had been spent on roads, wells and hospitalization. It is a well known fact that the Blackfoot people have completely maintained the Blackfoot Indian hospital from 1920 to 1955. All the roads and wells that have been built on the Blackfoot reservation have been paid for from revenue money that the band had received from leasing land and things of that nature. There has been no welfare given to the Blackfoot Indian other than those three that I mentioned which have been received in the last two years in the amount of \$13,000 and \$15,000 for roads. That is the only welfare that we have ever received.

Mr. SMALL: It is difficult to understand why there has been no request over a period of eighty years, or some demand made for an accounting, or an accounting of the disposition of these monies during the eighty-year period, until just two years ago. Surely there must have been some request or demand made in this regard. It is not conceivable to me that eighty years would pass by without someone asking for an accounting. Can you give us any idea why this has occurred?

The VICE-CHAIRMAN: I think probably Mr. Brown could comment in this regard.

Mr. BROWN: There is one comment I could make which I think might be helpful in understanding this situation. The Stony Indians are still receiving the ammunition payment each year, and have been right along. The Blackfoot, Peigan and Blood bands are not receiving this payment, and have not for quite some time. This situation has led the department to presume that there must have been some agreement between these three bands to discontinue it, but there was not such an agreement between the Stony band because they have been receiving it all along. This information is actually what we have been trying to find.

Mr. SMALL: It seems funny that there has been no request.

The JOINT CHAIRMAN (*Senator Gladstone*): In the Alberta brief of 1946-1947 this subject was raised, but we have received no satisfactory answer.

Mr. SMALL: It seems funny that this was not asked for at some point during that period of time, or at least that there was not reference made to it.

The VICE-CHAIRMAN: Are there any further questions in regard to item number 1, ladies and gentlemen?

We will continue with Item number 2.

Mr. GUNDLOCK: I would like to have more information about this item, Mr. Chairman. It appears a little ambiguous to me. I am not familiar with this.

Mr. SMALL: It is not ambiguous at all; it is a positive statement.

Mr. THOMAS: Could we ask, Mr. Chairman, where these timber limits were located?

Chief MCHUGH: I have a letter here dated the August 15, 1892 from the Indian agent to the superintendent general of Indian affairs in which he says that the timber limit has been located at Castle Mountain, but the Indians seemed to think that it was too far away. It was explained to them that it was the only timber limit to be had. That was in 1892, written by the agent in Gleichen at that time.

Mr. THOMAS: I would like to ask, Mr. Chairman, if the Blackfoot reserve extended up to Castle Mountain.

Chief MCHUGH: No.

Mr. THOMAS: Castle Mountain is now Mount Eisenhower.

Chief MCHUGH: No. The Blackfoot reserve did not extend up that far. We are on the prairies.

Mr. THOMAS: Why do you think that the Blackfoot Indians should have an interest in this timber on Mount Eisenhower, which is over 100 miles away?

Chief MCHUGH: I will tell you what makes us think that we had an ownership in it. This letter from the superintendent at that time explains it, as well as the surrender in 1892 of the timber limit. If we did not have the timber limit, why should there be documents covering it?

Mr. GUNDLOCK: Does the treaty not say that each band or reservation, whether the reservation had timber on it or not, should have a timber limit some place else?

Mr. SMALL: Surely the timber limit must be on the reservation, or have they been given permission to go elsewhere?

The VICE-CHAIRMAN: I think perhaps Mr. Brown could explain this to us.

Mr. BROWN: This is a rather difficult situation to understand, without knowing the background. In 1877 the Blackfoot band took up its full allotment of land under the treaty on the present reservation. The Blackfoot reservation comprises all the land they were entitled to under the terms of the treaty. About 1888 the Blackfoot band made representations in an attempt to secure a timber



limit. This was discussed and an area was selected tentatively near Castle Mountain, which is a good distance away from the reservation. This area was never set apart as a reservation. There was an arrangement made with the old dominion lands branch of the department of interior, or the parks branch, one or the other, to make this timber limit available for use of the Indians. This agreement lasted until about 1901 when the matter was looked into again. In the meantime the Indians had made no use of this land at all. They complained, and I think quite properly so, that it was of no value to them because it was so far away from their reservation. It was difficult for them to reach and very inaccessible. Because of the non-use of the land this availability was simply cancelled in the government's books. The land was then no longer available for their use. That is actually the whole situation. There was a timber limit made available for their use over a period of years, but it was not used and it was cancelled.

Mr. THOMAS: Was this cancelled by agreement with the Indians?

Mr. BROWN: No, there was no contractual relationship ever set up. This limit was just made available for their use. This arrangement was never a part of the treaty. It was completely outside the treaty. This arrangement was not similar to the arrangements in regard to the Blood band or Peigan band timber limits which were taken up within the acreage provided by the treaty, as part of their land entitlement. This was something entirely outside of the treaty. As Chief McHugh mentions, it has been confusing because of the fact that prior to wiping the right to use the limit off the books the Indians surrendered the timber limit. They went through a form of a surrender in 1892. This is very mysterious, and still is, because no one knows why they did it or what the reason for it was. They obviously thought this surrender was made to enable them to trade it for more accessible timber land, but they did not have a title to surrender in the first place. They had never been given a title and it was not part of the reservation. This has caused confusion ever since, and understandably so, in their minds. They thought they had a reserve which they were surrendering in order to trade for other lands, but they never had the reserve in the first place. This area was not in the reservation.

The VICE-CHAIRMAN: This was more or less a timber limit given to them for hunting and fishing, was it?

Mr. BROWN: It was never given to them at all. There was simply a record made in the dominion land office books of the declaration that this land was made available for wood cutting by the Blackfoot Indians, as I understand it.

Mr. THOMAS: Did they have an exclusive right, Mr. Brown?

Mr. BROWN: Presumably, yes.

The JOINT CHAIRMAN (*Senator Gladstone*): There is no record of any treaty being signed in connection with that.

Mr. BROWN: No, this was not part of the take-up of land under the treaty. This was done 10 years after the treaty was signed and the Blackfoot reservation was taken up.

Mr. THOMAS: Is the number of that instrument recording that land in the dominion land office available?

Mr. BROWN: Are you referring, sir, to the registration in the books?

Mr. THOMAS: I am referring to the record in this regard.

Mr. BROWN: I do not know if we have that information available. I do not think we have that information here today. Presumably it could be looked up for the committee if it is necessary.

The JOINT CHAIRMAN (*Senator Gladstone*): There is no record of this as far as I can see, or of any treaty of surrender, or record that they did not need it



any more. In regard to this particular timber limit there was no record of it either being given or surrendered by the Blackfoot Indian band.

The VICE-CHAIRMAN: There is no record of either it being given to them or surrendered by them?

The JOINT CHAIRMAN (*Senator Gladstone*): Yes.

The VICE-CHAIRMAN: There was never a treaty either giving it or surrendering it?

The JOINT CHAIRMAN (*Senator Gladstone*): We can find no record.

Mr. SMALL: In order that it be effective, there must have been a removal of trees to show an intention on the part of the Indians to use this land. There is nothing to show that they have ever occupied the land according to the information that we have been given. They have not processed or attempted to use the land. I do not suppose that squatters' rights would apply or make any difference to the property. I do not know too much about law, but it seems to me that if you are going to use the land or make any claim at all in regard to it someone would have had to at least show that they had entered the property and intended to do something with it. This area was not touched or entered by the Indians and the agreement was cancelled by default.

The VICE-CHAIRMAN: There was no evidence of their making any use of it at all?

Mr. BROWN: None at all.

Mr. HENDERSON: I think the committee should have somebody look into this. It is like a lot of things which were done in those days; that was a long time ago, 68 years ago, when it was surrendered.

Mr. SMALL: It was surrendered in 1892.

Mr. HENDERSON: I think the committee should look into this.

Mr. BROWN: We have the surrender document. That is of record.

The JOINT CHAIRMAN (*Senator Gladstone*): Of that particular piece?

Mr. BROWN: Oh yes.

The JOINT CHAIRMAN (*Senator Gladstone*): Well, that puts a different light on it. Therefore it is recognized that they did have a timber limit.

Senator FERGUSON: Who signed the surrender document?

Mr. BROWN: I presume it would be the chief.

Chief McHUGH: The surrender document was signed by the following people: White Pup, Running Rabbit, Weasel Calf, Old Sun, White Calf Robe, Medicine Shield, Rabbit Carrier, White Eagle, Bear Child, Lone Chief and Big Plume. And then it says:

Personally appeared before me, the Honourable Chas. B. Rouleau a Judge of the Supreme Court of the N. W. Territories in the Provisional District of Alberta Magnus Begg and Running Rabbit Chief of the said band of Indians.

This is a copy I have here, a record of the timberland. So if I have some document, there must have been something at some place else, or there should be, to show how this happened, because there would not be just one set of documents surrendered. In order to get a surrender, you must have the title to the land. No judge will sign a title of surrender unless he knows the land you want to sell.

The VICE-CHAIRMAN: I can assure you that this will be considered by the committee and we shall try to get back into the details of it to find out the basis upon which your claim was made, and we will give it every consideration.

Mr. THOMAS: I wonder if the committee should not have in its record at least a photostatic copy of the document so that we might have some evidence to go on, if a search is to be made back into former records.

The VICE-CHAIRMAN: You mean of the two documents which the chief has?

Mr. THOMAS: I would think so, that is, the surrender, and also a copy of the letter which he read to us.

The VICE-CHAIRMAN: Does the committee agree to that?

Agreed.

Would you please hand them over to the reporter, and they will be returned to you?

CHIEF MCHUGH:

Letter, Indian Agent Magnus Begg to the Supt. Gen. of Indian Affairs, August 15, 1892. A timber limit has been located at Castle Mountain, but the Indians here seem to think it is too far away. I explained it was the only available timber to be had.

Blackfoot Agency,  
31st December, 1892.

Sir:

In reply to your letter of the 19th instant, No. 1084 I have the honor to enclose herewith the documents re the surrender of the Blackfoot Timber limit at Castle Mountain: The Indians are very anxious to have a limit this side of the mountain, even if the area is one-third the size of the other just surrendered to the contractors.

I have the honor to be Sir

Your obedient servant

(Magnus Begg)  
Indian Agent.

To Indian Commr.

Regina Assa.

No. 332

Know all men by these presents that we, the undersigned Chief and Principal men of the Blackfoot Tribe of Indians resident on our reserve at Blackfoot Crossing in the Province of Alberta and Dominion of Canada, for and acting on behalf of the whole people of our said Band in Council assembled, do hereby release, remise, surrender, quit claim and yield up unto Our Sovereign Lady the Queen, her Heirs and Successors forever, ALL AND SINGULAR the timber on that certain parcel or tract of land and premises, situate, lying and being on the Bow River at Castle Mountain in the District of Alberta containing by admeasurement twenty-three square miles be the same more or less and being composed of The Blackfoot Timber Limit on the Bow River at Castle Mountain in the said District of Alberta.

TO HAVE AND TO HOLD the same unto Her said Majesty the Queen, her Heirs and Successors forever, in trust to sell the same to such person or persons, and upon such terms as the Government of the Dominion of Canada may deem most conducive to our welfare and that of our people. And upon the further condition that all moneys received from the sale of said timber shall, after deducting the usual proportion for expenses of management, be placed to our credit and the interest thereon paid to us and our descendants.

And we, the said Chief and Principal men of the said Tribe of Indians do on behalf of our people and for ourselves, hereby ratify and confirm, and promise to ratify and confirm, whatever the said Government may do, or cause to be lawfully done in connection with the sale of the said timber.

IN WITNESS WHEREOF, we have hereunto set our hands, and affixed our seals this twenty-fourth day of December in the year of Our Lord one thousand eight hundred and ninety-two.

Signed, sealed and delivered in the presence of Magnus Begg, J.P., Indian Agent.

Witness: W.M. Baker.

Witness: I. Lawrence.

his  
White x Pup, M. C. LS  
mark

his  
Running x Rabbit, H. C. LS  
mark

his  
Weasel x Calf, M. C. LS  
mark

his  
Old x Sun, H. C. LS  
mark

his  
White x Calf Rope LS  
mark

his  
Medicine x Shield LS  
mark

his  
Rabbit x Carrier LS  
mark

his  
White x Eagle LS  
mark

his  
Bear x Child LS  
mark

his  
Lone x Chief LS  
mark

his  
Big x Plume LS  
mark

Dominion of Canada  
Provisional District  
of Alberta

To wit:

Personally appeared before me,  
the Honourable Chas. B. Rouleau a Judge of the Supreme Court of  
the N.W. Territories in the Provisional District of Alberta Magnus  
Begg and Running Rabbit Chief of the said Band of Indians.

The VICE-CHAIRMAN: Now, are there any questions on No. 3?

Mr. GUNDLOCK: I think we should have some explanation, if we are to consider it.

The VICE-CHAIRMAN: Do you care to explain it, Chief McHugh?

Chief McHUGH: This was a gravel pit sold in 1897 to the C.P.R. It gives the township, the range, and the section here:

We reported that the ballast pit in sections 20 and 21, Township 21, Range 20, comprising 81.95 acres, was sold to the C.P.R. at five cents an acre...

It was sold to the C.P.R. for \$409.75, at five cents per acre; and then PC2701, approved on the September 20, 1897, gave the consent to the company to buy this land under section 35 of the Indian Act, and the land was granted to the company. By Letters Patent dated January 18, 1898, the company acquired the complete title, and that is this particular gravel pit. There has been a dispute over it for quite a number of years.

They bought this land and I have all the measurements here, a survey of this land, and it is in the wrong place. That is, this land that they have been using all these years is in the wrong location according to this information; and the biggest problem—and Mr. Brown will back me up on this—is that the C.P.R. sold this land to the province of Alberta in 1922, land which they never even owned; a portion of it was sold.

The VICE-CHAIRMAN: And this was on your reservation?

Chief McHUGH: Yes, this was on our reservation, and we have tried to get a surveyor over the last three years, and to get a proper location. Other parts of the reserve were surveyed years ago, but the survey marks cannot be found.

We even sent a request to Ottawa asking them to send a surveyor, and we have been waiting three years for that surveyor to come down to give us the proper location.

Mr. SMALL: Would there not be a land title registration in the registry office of the province somewhere which would give a description of the limits of the property?

The VICE-CHAIRMAN: The property that was originally sold?

Mr. SMALL: That is right; there would be title to it and a description of the land in the registry office somewhere.

Mr. THOMAS: Perhaps they dug the gravel in the wrong place.

Mr. SMALL: The C.P.R. have their own legal officers and they would not be buying and selling land unless it was registered somewhere.

Mr. GUNDLOCK: Have you ever checked at the land titles office in Calgary?

Chief McHUGH: I brought it up down here three years ago, and I went back on the train with an officer of the Indian Affairs Branch, and we got together on the way, and he sent in a report to the department. He was going north at that time to do some surveying, and he said that if we needed him, he could come right down if we contacted Mr. Bell. We did so; and he told us that he was too busy at that time to do any surveying.

Then the council signed a resolution giving authority to survey that particular land, but we never got an answer to that resolution until here just about a year ago, when we got a letter from Ottawa stating that they had been checking up on this gravel pit and had found that it had been sold by the C.P.R. in 1922 to the province.

Mr. GUNDLOCK: There would be a transfer there again. Have you ever asked about it at the Land titles office in Calgary?



Chief McHUGH: No, I have not. I do not think there would be any title in the provincial office on that.

Mr. GUNDLOCK: There would be if it was sold to the province. Actually any time there is a transaction, the land titles office should have it.

Mr. SMALL: You should not have any trouble in getting it from the real estate department of the C.P.R. They should be able to give you some information.

The VICE-CHAIRMAN: I wonder if Mr. Brown would care to make a comment on it.

Mr. BROWN: It has been proven since Chief McHugh first came to Ottawa that there definitely has been some encroachment on reserve land, and we can accept it as a fact. This property was sold originally to the C.P.R. who, in turn, sold their rights to the province of Alberta about 1930, and the province presumably has authorized various companies, one of which was the Standard Gravel Company, to take gravel out of this pit for the province, for some years.

It has recently been determined by consulting aerial photographs and everything else that they definitely went off provincial land and took gravel from the reserve land.

I have with me a letter dated March 14 of this year from our Edmonton office in which they say they have been in consultation with the provincial authorities, and that as far as the province is concerned, they have checked the location of the gravel pit, and that it is as described in the letters patent, when the sale to the C.P.R. was approved.

However they have ascertained to their satisfaction—that is the province—that there has been a trespass, in that the Standard Gravel Company did go beyond the limits of the provincially held land and did encroach on land belonging to the Blackfoot reserve; and, thirdly, they say that the provincial authorities are taking this matter up with the Standard Gravel Company and will make sure that they make a settlement.

Mr. SMALL: That happens with a lot of companies.

Mr. THOMAS: Might I ask Mr. Brown if the Indian affairs branch have had a survey made to determine whether or not, or to what extent the rights of the Indians should be protected?

Mr. BROWN: Aerial photographs were studied very carefully and they showed the thing up pretty clearly. I believe their estimate of the amount of gravel that was taken—I do not know how they got their figure—was about 18,000 cubic yards.

Mr. SMALL: Then they are open for a lawsuit for the recovery of damages.

Chief McHUGH: This survey was sent to me by the Indian department. This is the original, and according to it, that gravel pit extends 62 feet south of the C.P.R. mainline, whereas in fact it is not within three-quarters of a mile from the track.

The VICE-CHAIRMAN: According to this agreement it is 62 feet.

Chief McHUGH: Yes, 62 feet from the centre of the C.P.R. line. I am not an engineer, and I do not have much education, but I could figure it out, and according to the evidence here, it was not in the right place.

The VICE-CHAIRMAN: I assume you are saying in relation to No. 3 that you did not receive the original compensation from the C.P.R. Is that true?

Chief McHUGH: That is money we never did get, in fact; but there was an order-in-council made, and all we got was a letter saying that there was so much money put into the band fund.

The VICE-CHAIRMAN: Here at Ottawa?

Chief McHUGH: Yes.

The VICE-CHAIRMAN: Oh well, that covers it.

The JOINT CHAIRMAN (*Senator Gladstone*): There should be a record of that particular surrender.

The VICE-CHAIRMAN: You say here that the band fund was compensated to that extent?

Chief McHUGH: Yes.

The VICE-CHAIRMAN: So actually your band fund was credited with the amount of money paid by the C.P.R. originally for this land; but now it is a case of encroachment by the Alberta government in sub-letting this land to someone else, to some other gravel concern, and that they have encroached on your property?

Chief McHUGH: Yes.

Mr. SMALL: Was it a sub-letting, or have they sold it?

Mr. BROWN: I think it is probably a sub-letting.

Mr. SMALL: Who are the members of the Standard Gravel company? That is something the department can clean up. That is a job for the officials of the department to clean up.

The JOINT CHAIRMAN (*Senator Gladstone*): Well, this was a transaction with the C.P.R.

Chief McHUGH: They got title.

The VICE-CHAIRMAN: I assure you it will be looked into and straightened up in the very near future. Does the committee wish to have the document which you have included in the record?

Mr. THOMAS: I think where this band has complaints of this nature involving legal matters and property rights, that any evidence they have should be included in our evidence so we can see that justice is done, and that these matters are followed up.

The VICE-CHAIRMAN: Does the committee agree?

Agreed.

Would you identify that document, please? What is the document?

Chief McHUGH: This document is a measurement of the gravel pit on the Blackfoot reserve which was sold to the C.P.R.

The VICE-CHAIRMAN: That is a description of the property?

Chief McHUGH: Yes.

The VICE-CHAIRMAN: It is a legal description of the property?

Mr. SMALL: The description for surrender is just information for the conveyancing.

Mr. BROWN: That is right.

Chief McHUGH: The document reads as follows:

104/3-7 (RT)

Superintendent—Blackfoot Agency  
Superintendent of Reserves and Trusts

May 26, 1958

During the visit of Chief McHugh and Councillor Melting Tallow, the matter of C.P.R. gravel pit was brought up for discussion. We reported that the ballast pit in sections 20 and 21, Tp. 21, R. 20, comprising 81.95 acres, was sold to the C.P.R. at \$5.00 per acre, the sale being approved by Order-in-Council under section 35 of the Indian Act.

Letters patent were issued on 18th January, 1898. An adjoining area of land, comprising 9.93 acres, in section 20, was sold at the same rate in the same year and patented on July 6, 1898. The Chief is under the impression that the C.P.R. has been using an area quite a bit larger than that actually sold. Will you please supply him with a copy of this letter so that he may check the area with the attached descriptions taken from the patents. If he is still convinced that the company has encroached on other area, would you please check the matter carefully yourself and report to this office.

W. C. Bethune

WCB/vp

cc: Regional Supervisor for Alberta & N.W.T.

The Canadian Pacific Railway Company—  
Blackfoot Indian Reserve.

COMPOSED of portions of the Blackfoot Indian reserve aforesaid more particularly described as follows namely:—those two certain strips of land lying along the right of way and the Crowfoot station ground of Canadian Pacific Railway in section 20 and section 25, Township 21, Range 20, west of the 4th Initial Meridian, district of Alberta and Dominion of Canada, containing together thirteen acres and eighty-one hundredths of an acre and described as follows: Firstly: that certain strip of land 164 feet wide lying along the southerly limit of the right of way of the Canadian Pacific Railway in the northeast  $\frac{1}{4}$  of the said section 20, containing nine acres and ninety-three hundredths of an acre and which may be described as follows:—Commencing at the intersection of the said southerly limit of the right of way of the Canadian Pacific Railway with the east limit of the said section 20; thence south 164 feet more or less to a point in the northerly limit of a portion of land known as a "Ballast Pit" heretofore patented to the said railway; thence westerly following the said northerly limit of the ballast pit; 2,640 feet to the west limit of the said ballast pit; thence north 3 deg. 47 mins. east on the said west limit produced 164 feet, more or less, to the aforesaid southerly limit of the right of way of the Canadian Pacific Railway; thence easterly 2,640 feet following the said southerly limit to the point of commencement. Secondly: that certain strip of land 64 feet wide lying along the southerly limit of the Crowfoot station ground of the Canadian Pacific Railway in the northwest  $\frac{1}{4}$  of the said section 25, containing three acres and eighty-eight hundredths of an acre and which may be described as follows:—Commencing at the southwest angle of the said station ground in the west limit of the said section 25; thence easterly following the said southerly limit of the station ground 2,644 feet to the east limit of the northwest  $\frac{1}{4}$  of the said section 25; thence south 64 feet to the southerly limit of the strip of land heretofore known as the "Neutral" strip; thence westerly following the said southerly limit 2,644 feet to the west limit of section 25; thence north 64 feet to the point of commencement.

July 6th, 1898.

Ref. No. 12002.

Sale No. 3.

### 3. Gravel Pit for C.P.R.

The information obtained on this subject is that some time presumably during the building of the C.P. Railway a gravel pit was either sold or given to the C.P.R. and they have continued to use it during the years. They request that they be given some information as to what price was obtained and other information as to whether it was sold outright or for a given length of time and what payment was made for same.

The ballast pit in secs. 20 and 21, Tp. 21 R. 20 81.95 acres was sold to the C.P.R. for \$409.75 (at \$5 per acre). P.C. 2701 approved 20 September, 1897, gives consent for the company to acquire the land under sec. 35, the Indian Act. The land was granted to the company by letters patent dated 18th January, 1898. The company acquired complete title.

P.C. 1592 of 24 June, 1898 reports the C.P.R. company's application for a parcel of 9.93 acres in NE $\frac{1}{4}$  sec. 20-21-20, adjoining the land acquired under O. in C. of 20 September, 1897. This parcel was granted to the company by letters patent dated 6th July, 1898. The company paid \$49.65 (at \$5 per acre) and acquired complete title.

### DESCRIPTION

All those parcels or tracts of land, situate, lying and being in the Blackfoot Indian Reserve, in the District of Alberta in our Dominion of Canada. CONTAINING five acres and nine hundredths of an acre (5.09 ac.) more or less and eighty one acres and ninety five hundredths of an acre (81.95 ac.) more or less respectively.

COMPOSED of portions of the Blackfoot Indian reserve aforesaid required for water supply and ballast pit—described as follows: FIRST: for water supply. COMMENCING at a point on the north boundary of the said Indian reserve distant north eighty six degrees and twenty minutes east (N.86°20'E) along said north boundary of reserve one thousand five hundred and eighty-five (1,585) feet from its intersection with the west side line of section twenty-five (25) Township twenty-one (21) Range Twenty (20) west of the Fourth (4) Initial meridian in the provisional district of Alberta as shown on plan of the main line of the Canadian Pacific Railway between the eastern boundary of Alberta and Calgary of record in the Department of Indian Affairs, thence south two degrees and twenty minutes east (S.2°20'E) four thousand and five (4,005) feet; thence south eighty-seven degrees and forty minutes west (S.87°40'W) fifty (50) feet; thence south two degrees and twenty minutes east (S.2°20'E) one hundred and seventy-five feet (175) more or less to the water's edge of the Bow river, thence southeasterly and along the water's edge of the Bow river one hundred and thirty-two (132) feet more or less to a point—perpendicularly distant from last corse one hundred (100) feet, thence north two degrees and twenty minutes west (N.2°20'W) four thousand two hundred and sixty feet (4,260) more or less to the north boundary of said Indian reserve, thence south eighty-six degrees and twenty minutes west (S.86°20'W) and along said north boundary of Indian reserve fifty (50) feet more or less to the place of beginning. CONTAINING five acres and nine hundredths of an acre (5.09 ac.) more or less—SECOND: for ballast pit commencing at a point on the north boundary of the Indian reserve perpendicularly distant radially two hundred and sixty-four feet (264) from the intersection of the centre line of the main line of the Canadian Pacific railway with the east boundary of section twenty nine township twenty-one (21)



range twenty (20) west of the fourth initial meridian in the Provisional district of Alberta as shown on plan of the main line of the Canadian Pacific Railway between the eastern boundary of Alberta and Calgary of record in the Department of Indian Affairs, thence westerly and along said northern boundary of Indian reserve two thousand seven hundred and eighty-one (2,781) feet, thence south three degrees and forty seven minutes west (S.3°47'W) one thousand one hundred and fifty-six (1,156) feet, thence easterly and parallel to the said northerly limit of Indian reserve three thousand three hundred and ninety-five (3,395) feet, thence north twenty-six degrees and thirty-nine minutes west (N.26°39'W) one thousand one hundred and fifty-six (1,156) feet more or less to the place of beginning. CONTAINING eighty-one acres and ninety-five hundredths of an acre (81.95 ac.) more or less.

Mr. MARTEL: I heard the chief say that the distance from the centre of the main line was 62 feet.

The VICE-CHAIRMAN: According to this description.

Mr. MARTEL: Could it be that they forgot to mark on it properly, and that it might have been 6,200 feet or something like that? Because 62 feet from the main line—if you want to have a gravel pit—I do not think there would be much gravel there.

Mr. SMALL: We just want the letters identifying it so that we can have them in our records, because this is a matter which the department can clean up without difficulty, and get things straightened out.

The VICE-CHAIRMAN: Yes, they will all be included in this data anyway.

Now, item No. 4: would you care to make a further statement on it?

Chief McHUGH: This concerns 120,000 acres which were sold in 1910; this land was almost one-half on our reserve. I have in the first place—it was only signed by eight councillors at the time of the surrender, and I believe that the surrender according to the Indian Act has never been changed over the years, and it is today the same as it has been over the years, and a surrender of land, of Indian land, calls for a majority of the voters of the band.

Senator MACDONALD: Were those 120,000 acres ever utilized for any purpose prior to the transfer?

Chief McHUGH: Not at the time, because that was before Indian development took place on the reserve. In 1910 there was no farming, and there was no work outside of hunting, and there was no way to make a living in those days.

I have the surrender here, and I can leave a copy of it with you to study. I have the original here, and I have a copy which explains the land and what the promises were according to the surrender. And I also have the price that was paid for the land at that time. They practically gave it away.

That is one of the best farming areas on our reserve, yet that land was sold for between \$5 and \$20 an acre. Very little of it was sold for \$20; most of it was sold under \$12.

Mr. THOMAS: I would like to ask Chief McHugh to whom the land was sold.  
Chief McHUGH: Pardon?

Mr. THOMAS: Who bought the land?

Chief McHUGH: It was sold at auction. This is dated Wednesday, the 14th day of June, 1911, at 10 o'clock a.m. That is when the land was up for auction.

Senator MACDONALD: Who undertook to negotiate the sale?

Chief McHUGH: The superintendent at the time was Mr. Markel.

Senator MACDONALD: Whom did he have instructions from—the Department of Indian Affairs?

Chief McHUGH: I imagine so. He was working for the Department of Indian Affairs.

The JOINT CHAIRMAN (*Senator Gladstone*): Was he superintendent?

Chief McHUGH: He was superintendent of the Blackfoot reserve at that time.

Mr. SMALL: Does Senator Gladstone know anything about the history of this?

The JOINT CHAIRMAN (*Senator Gladstone*): Yes, I do. I will produce that when the proper time comes. Is that all right?

Mr. SMALL: It is okay with me.

The JOINT CHAIRMAN (*Senator Gladstone*): Do you want me to do it now?

Mr. SMALL: I would like to have it on record.

The JOINT CHAIRMAN (*Senator Gladstone*): I can give you an outline. It is quite a long story.

In 1908 I heard Sir Wilfrid Laurier himself say in the town of Fort McLeod that all Indian reserves belong to the Indians concerned, and they could not be taken away except by the Indian consent, if they wanted to sell, and only if it was for the benefit of the Indians, or because of people dying off on the reserve meant the reserve was too large for the population it contained. It seemed to be the idea of the department at that time that they could use the Indian land and sell it for the benefit and use of the band concerned. I think that was stated in this surrender of the Blackfoot reserve.

Mr. SMALL: That would be why it was up for auction.

The JOINT CHAIRMAN (*Senator Gladstone*): That is why it was up for auction. It was supposed to be with the consent of the tribe. I say, "tribe" because I do not like this word "band", as a tribe consists of about 20 bands. The tribe is a tribe of a nation, and a tribe consists of many bands.

Mr. SMALL: I asked that once before—Was there not such a thing as a tribe? They said "No, it is all bands now. There are no tribes."

The JOINT CHAIRMAN (*Senator Gladstone*): Who ever gave you that information is crazy. I might just as well say there are about fifty clans in Scotland. Do you call the country of Scotland a band?

Mr. SMALL: The thing is, the authority to sell is in question, that it was not regular. Did the tribe give permission to the conquerors to negotiate with the people?

The JOINT CHAIRMAN (*Senator Gladstone*): According to the chief there is no record of the tribe having any voice in it.

Mr. THOMAS: I wonder if Mr. Brown has any comments to make on that Blackfoot land deal?

Mr. BROWN: I cannot add very much to it, Mr. Chairman. All we have to go on today is the surrender document which Chief McHugh has in front of him, which was signed by several of the chiefs, and to which there is a declaration attached by Mr. Markle, Chief Yellowhorse and Chief Wolfe Col-lar, saying the release was agreed to by a majority of the band. We have no record to go beyond that indicating one way or the other.

Mr. SMALL: Was there a protest made at any time since 1910? Surely there must have been some difference of opinion, and there should be some agitation in the tribe itself over it? Is it just now it comes up, and this is the first protest that has been made about the surrender of this land? There should have been previous complaints. How is it it just comes up now, after all this hiatus?

The VICE-CHAIRMAN: Pardon me, Mr. Small. The members of the senate here say that they are supposed to be in the senate at a quarter to five. It is their wish to go in for the royal assent. Prime Minister Menzies is going to be there.

Senator FERGUSON: The governor general is coming in to give royal assent himself.

The VICE-CHAIRMAN: What is the committee's wish?

Mr. SMALL: It should not take long to do it?

Senator FERGUSON: We should be there now.

The VICE-CHAIRMAN: How long will it be?

Senator FERGUSON: We should not be more than half an hour.

Mr. THOMAS: Should we adjourn until after supper?

The VICE-CHAIRMAN: If that is your wish. It is up to you.

Mr. SMALL: Could we come back earlier, at 7 o'clock?

Senator MACDONALD: I would certainly do that.

The VICE-CHAIRMAN: We will come back at 7 o'clock tonight, then.

#### EVENING SESSION

THURSDAY, June 9, 1960.

The VICE-CHAIRMAN: Ladies and gentlemen, we will start now. Chief McHugh will continue on. We were at the fourth item in the brief.

Senator MACDONALD: Mr. Chairman, the only question I would like to ask is, when the 120,000 acres are taken off how much is left?

Chief McHUGH: Around about 149,000 acres or in that neighbourhood.

Senator MACDONALD: Could you give us a description of that reserve? Are there any sloughs or muskrat reservoirs on it?

Chief McHUGH: Do you mean on the portion we have left?

Senator MACDONALD: Yes.

Chief McHUGH: There are about three sloughs which cover about two or three sections. There is the sand hills which is fair grazing land. That is all. It covers between possibly thirty or forty thousand acres. Then we have some rock land which is only good for grazing. It is on one end of the reserve. The river runs through a portion of it also.

Senator MACDONALD: What river is it?

Chief McHUGH: The Bow river.

Senator MACDONALD: I have seen the Bow river.

The VICE-CHAIRMAN: Are there any further questions on paragraph 4? If not, we will continue on with 5 "Taking of Three Roadways and One C.P.R. Railroad Crossing on Reserve Land by Order in Council without Compensation." Have you any comment on that, Chief McHugh?

Chief McHUGH: There are two roads there in particular. I do not know the number of them. I believe the department could give you the numbers of those roads. There is one from Cline to Arrowwood; it is a twelve mile stretch of road. There is another in the Cluny area, from Cluny to Milo. Those particular roads were taken by order in council and turned over to the province without any compensation whatever.

Mr. GUNLOCK: May I ask Mr. Brown if that is a case of expropriation? Can they do that in the case of reserves the same as in respect of other land?

Mr. BROWN: The province can with the consent of the governor in council.

Mr. GUNDLOCK: Not without compensation.

Mr. BROWN: I think this probably was done under a clause in the treaty. I might read it. It appears on page 4 of the treaty. It reads as follows:

—reserving to Her Majesty, as may now or hereafter be required by Her for the use of Her Indian and other subjects, from all the reserves hereinbefore described—

I will skip the right to navigate.

—and to open such other roads through the said reserves as may appear to Her Majesty's government of Canada, necessary for the ordinary travel of her Indian and other subjects, due compensation being paid to individual Indians for improvements, when the same may be in any manner encroached upon by such roads.

The road to Arrowwood that Chief McHugh referred to was first applied for by the province in 1919. The report on it in the record is that it ran through open range and that the road would be of sufficient benefit to the Indians to justify its transfer without compensation. There is a further report that there would be no Indian improvements affected and therefore no individual Indians to pay. Presumably it was on this report that it was done.

Mr. GUNDLOCK: Was that a report from the province?

Mr. BROWN: From our agents in the field at the time. I believe this involved a bridge?

Chief McHUGH: Yes.

Mr. BROWN: They bridged a river at this point which I assume afforded easier access for the Indians.

Mr. GUNDLOCK: Did the band agree to that?

Mr. BROWN: I have no record of that.

Chief McHUGH: It was done by order in council and that means the band did not have any say in it.

Mr. SMALL: What is this railroad crossing you are speaking of?

Chief McHUGH: We found some papers on that. So far as I know they were paid for that. They were supposed to have been paid for that. That is the roadway between Cline and Cluny.

The JOINT CHAIRMAN (*Senator Gladstone*): That is the railroad right of way.

Mr. SMALL: They would have to expropriate or ask for expropriation rights. They could show reasons for it, but they would have to get expropriation rights. There must be some papers somewhere.

Chief McHUGH: The basis of my objection to these earlier expropriations is that in 1877 the government set up a portion of the land for the Indians. After taking away some of the 50,000 square miles from the five tribes, they gave each one a certain portion of land that was for them and for future generations. Since that time there have been these orders in council—fifteen or twenty of them—which involves an awful big piece of land. Now our band has increased to almost 1,700 and we are in the state now where we will be crowded for land.

Mr. SMALL: I follow you on that, but in the case where the crown takes it for the use of the Indians themselves they are not taking it to sell to someone else. If they do it they have to replace it with something else. When they do transfer crown lands and use it, it is a different thing and they do it by order



in council because they do not make any profit. In the case of a railway it has to be expropriated; it is not the crown that is doing it. In respect of the matter of compensation there should be a record of that somewhere.

The VICE-CHAIRMAN: I think Chief McHugh has admitted they received a compensation for the part which went to the C.P.R.

Chief McHUGH: We were told that.

The JOINT CHAIRMAN (*Senator Gladstone*): Do you know that?

Chief McHUGH: No. We were told.

Mr. BALDWIN: How many acres are involved in the three roadways?

Chief McHUGH: I know of one that is 15 acres. That is the Cline-Arrowwood road. I imagine the other road at Arrowwood is the same thing, and there is another which involves about ten acres.

Mr. BALDWIN: About forty acres altogether.

Chief McHUGH: Yes.

The VICE-CHAIRMAN: Are there any further questions on number 5?

We will proceed to No. 6 "Payment of Wages and Expenses from Band Funds to Blackfoot Agency Staff Members of the Indian Affairs Branch from 1912 to 1954 without Approval of the Tribe".

Chief McHUGH: This will take a little bit of explaining. In 1912, when that 120,000 acres was sold the Blackfeet were charged for the maintenance of the reserve and the upkeep of all the staff until 1955. At one time there were in the neighbourhood of about fifteen employees. They were furnished with houses, cars, gas and oil. I do not know what their wages were, but over the years they were paid wages out of the band funds until 1955. I think that is discriminating against us for us to pay the department's men to do the job they were hired by the department to do. So far as I know it is the only reserve in Canada which has been expected to pay for the employment of the Indian department out of its band funds. When that land was sold the idea behind the sale was to raise money to help the Indians to help themselves, not to pay employees; but most of the money was spent on employees of the Indian department.

Mr. THOMAS: Could we have a comment on that by Mr. Brown.

Mr. BROWN: Most of what Chief McHugh says is correct about the expenditures. This was done actually out of the band funds for a good many years. There were farm instructors employed, clerks, farm hands and stockmen. It is not quite correct, I think, to say this is the only reserve it was ever done in. There are reserves where it is being done today. The Bloods, I think, have some, Senator Gladstone?

The JOINT CHAIRMAN (*Senator Gladstone*): No, we have not.

Mr. BROWN: None, Senator Gladstone?

The JOINT CHAIRMAN (*Senator Gladstone*): No, except where Indians are employed by the band, and there is only one.

Mr. BROWN: The Tyendioaga Band have, and the Six Nations may have.

Mr. THOMAS: Would Mr. Brown say this statement is correct, that the payment of wages and expenses—that is, to the ordinary branch officers on that reserve—were paid from band funds?

Mr. BROWN: Not the superintendent, or that class of staff. As I have a record of it, it was farm instructors, clerks, farm hands and stock men.

The JOINT CHAIRMAN (*Senator Gladstone*): Also the servants are included in Chief McHugh's statement, except the superintendent.

Mr. BALDWIN: Under what section of the act would band funds be available? What regulation or section of the act would give authority for that?

Mr. BROWN: I think probably this came under the 1910 surrender, where this 120,000 acres was surrendered. One of the clauses in that mentioned this subject of employing people. The clause reads:

The residue from the sale of the land to be funded and the interest which accrues thereon, together with the interest on any of the deferred payments on the herein surrendered land, to be used as follows:

To meet wages and all other operating expenses in connection with the operation of the agricultural motors, plows, grain elevators and separators; the wages of one officer to be engaged and employed to superintend farm work, the issuing of food to our people and any other work necessary and in our interests and our people.

I think that is perhaps where the thing started from.

The VICE-CHAIRMAN: In other words, you suggest that was agreed upon by the band?

Mr. BROWN: There is mention of it in the surrender. But what proportions it was agreed to go to, I do not know.

The JOINT CHAIRMAN (*Senator Gladstone*): In the agreement of surrender, in the first place, it was for the benefit solely of the Indians. When they auctioned it off they brought in all these other things which are normally paid by the Indian Affairs Department. They paid it out of the sale of this land.

Mr. GUNDLOCK: Do you mean, Senator Gladstone, that all the normal things, such as health and welfare, education, administration—do you mean all those things?

The JOINT CHAIRMAN (*Senator Gladstone*): Up to a few years ago their hospital belonged to them.

Mr. GUNDLOCK: That were normally under—

The JOINT CHAIRMAN (*Senator Gladstone*): our hospital is administered by the Department of Indian Affairs, but the hospital on the reserve was administered by band funds.

Mr. GUNDLOCK: All those things, except the superintendent, who was the responsibility of the federal government under the treaty, were paid out of band funds?

The JOINT CHAIRMAN (*Senator Gladstone*): That is right, according to what I can see in the report and what I can hear when I go there.

The VICE-CHAIRMAN: Did this include schools and school teachers too?

The JOINT CHAIRMAN (*Senator Gladstone*): No.

Mr. THOMAS: Could Mr. Brown tell us whether or not the hospital was built and maintained from the proceeds of the sale of this land?

Mr. BROWN: I think the answer is yes, but it is more in Dr. Moore's field than it is mine.

Mr. THOMAS: Could Dr. Moore comment on that?

The VICE-CHAIRMAN: That is coming in No. 7. Probably we had better defer that, because No. 7 deals with that alone. Is there any further question on No. 6?

Mr. BALDWIN: In the List which was referred to, in 1954, has anyone any idea about how much money was involved in sums paid out of band funds for these things which have been mentioned? About how much was it, Mr. Brown?

Mr. BROWN: A very rough estimate—and it is rather difficult to go back and find every nickel of this—but a rough estimate of \$232,000 over the years.

The VICE-CHAIRMAN: The cost of administration?

Mr. BROWN: Yes, this is listed under expenditures for farm instructors, clerks, farm hands and stockmen.

Senator MACDONALD: Do you mean on the Blackfoot reserve?

Mr. BROWN: Yes, on the Blackfoot reserve.

Senator SMITH: Is this the first time there has been a complaint made or claim made in this connection, or has it been thrashed over in the past?

Mr. BROWN: To my knowledge, it only came up in 1958, but Chief McHugh might know if it has been brought up previously.

Chief McHUGH: It has been objected to by former councils over the last 25 years, and they have always objected to it.

Senator SMITH: Has there ever been any showdown on it and reasons given why it was handled that way?

Chief McHUGH: The former councils—and even today we do not have the right to say about what is happening—the former council never argued any decision like that on the department's side. The department's word was law to the council.

Mr. THOMAS: Might I ask again, what was the function of these clerks who were paid for? Mention was made of the payment of clerks. I can understand payments to farm instructors, but what would these clerks do?

The VICE-CHAIRMAN: Chief, could you answer that question?

Chief McHUGH: They were grade 3 clerks, and stenographers, grade 2.

Mr. THOMAS: Were they Indian or non-Indian?

Chief McHUGH: They were non-Indian. They were the normal staff of clerks in the office—bookkeepers and stenographers and clerks that handle the work in the Indian office.

Mr. THOMAS: The clerks you find in any Indian office?

Chief McHUGH: Yes.

Mr. THOMAS: And particularly connected with farm instruction or the promotion of agriculture on the reserve?

Chief McHUGH: No. The farm instructor at that time—as the word “farm instructor” implies, they did the work outside regarding the farming of land.

Mr. THOMAS: How many were there?

Chief McHUGH: At one time there were four farm instructors on the reserve, and one they called a ditch-rider—I do not know what his job was. There was an agency farmer, and I do not know what his job was either.

Mr. THOMAS: Were these people hired by the Indian band or by the department?

Chief McHUGH: By the department. During the years a lot of them retired, and they were pensioned off. I do not know who gave them their pension, but they were paid throughout their service from band funds. They were retired and received a pension.

Mr. THOMAS: Was the band consulted when these people were hired?

Mr. McHUGH: No, and quite a number of times the council objected to certain people being employed as farm instructors, and they were not allowed to make any choice themselves.

Mr. THOMAS: Could you give us some idea of what work these farm instructors did? How did they carry on?

Mr. McHUGH: When they were known as farm instructors they carried on that work of instructing people who were taking up farming, how to farm. They watched them and advised them on how to operate their farm. They looked after

machinery, and saw to it the man got his crop in at the right time. They looked after all farm operations and spent their time doing the job the name implies. Today they are changed to assistant agents. I believe, as Mr. Steinhauer stated this morning, they know nothing about farming. They are more or less clerks, but spend most of their time at the office and not in the field at all.

Mr. SMALL: I do not know, John, but it strikes me that somewhere there is policy involved in this. In this way: on a reserve that gets along reasonably well, say they have oil on it or royalties, and have other means apart from that of maintaining themselves, is it not the policy of the department they should pay for that, and it should be charged against them when they are able and capable of doing so? Is this not probably what this is wrapped up in?

The JOINT CHAIRMAN (*Senator Gladstone*): May I say something? How many cases have you heard where they have oil?

Mr. SMALL: I have not heard; I am just asking. Leave the oil out.

The JOINT CHAIRMAN (*Senator Gladstone*): There are only about five reserves in Alberta that have oil, and there are about 28 reserves that have not got it.

Mr. SMALL: Let us remove it out of Alberta and put it into an Indian reserve anywhere else in Canada.

The JOINT CHAIRMAN (*Senator Gladstone*): Probably in British Columbia.

Mr. SMALL: If they are operating a reserve that is a going reserve, making it pay, and they have the funds in there, the department expects them to pay for the instructors and the help that is hired there. If they cannot afford to do it, then the department does it. I do not know whether that is the policy; I am just trying to surmise that there is something wrapped up in here that is causing that.

I do not think they are trying to chisel on it; I think there must be some kind of policy there that incorporates that kind of operation.

Mr. GUNDLOCK: Mr. Chairman, I think that Mr. Battle is fresh from Alberta. I would very much like to hear his version on this particular point.

Mr. BATTLE: Mr. Chairman, I first became familiar with this shortly after I joined the staff in Alberta. The regional supervisor who was particularly familiar with it was Mr. Gooderham, who was the Indian agent on the Blackfoot reserve and who subsequently became regional supervisor.

As soon as he came on the staff, one of the first things we did was take a look at the Blackfoot establishment at that time and take action to have these positions become civil service positions, chargeable to appropriation. I think Chief McHugh will agree with me that by 1954 this change came about and they all went on appropriation salaries.

In addition to that, during the period I was out there we took steps to purchase the dwellings in which they were living, which were at that time band property. We purchased them so that they became federal property, and the money was paid into the band fund.

Just how this all began 'way back in the 20's or sooner, I am not prepared to say. I suspect that here was a band of Indians—or a tribe, as the honourable Senator calls them—with a sizable band fund, and they required services at that time which I suspect were not being supplied on the same scale to other reserves.

I am not suggesting that here was agreement with the Indians, because I do not know. But, in any case, people were taken on as farming instructors and their salaries were paid from band funds. We are still doing the same thing today, in a way, at Hobbema, where they have considerable band funds.



They have taken on a band secretary, who works right with the Indian superintendent, and they are paying her salary. So it is still going on to some extent today. But just how it originated 'way back in the 20's, I really cannot say definitely.

The JOINT CHAIRMAN (*Senator Gladstone*): Correcting Mr. Battle's statement, we have a band secretary on our reserve who takes down all the minutes of the council meetings, and we also pay a farm supervisor, who is paid by the band for farm assistance. Is that not correct, Mr. Battle?

Mr. BATTLE: That is right.

Senator SMITH: In this surrender of 120,000 acres, was that for the purpose of promoting an irrigation project on part, or all of it? Was any of this land brought under irrigation?

The VICE-CHAIRMAN: It has never been suggested, Senator Smith.

Senator SMITH: Well, somebody was talking about ditch-riders today.

Chief McHUGH: They did lease it in 1917, I think—a portion of the south of the reserve—and they ran a canal in there.

The JOINT CHAIRMAN (*Senator Gladstone*): Were any Indians implicated in this distribution of water?

Chief McHUGH: No, there were no Indians. That was leased land.

Senator SMITH: I am wondering if these items of expense were made in some program that was improving the band property and appreciating the value of it, by irrigation or otherwise.

The JOINT CHAIRMAN (*Senator Gladstone*): No, this is land surrendered and sold, that this water went over.

The VICE-CHAIRMAN: Why should the band fund pay this money to a ditch-rider, then, when it was not adding anything to their land—unless it was the rental from the land that was paying the ditch-rider? I do not know.

Chief McHUGH: I believe the ditch at first belonged to the C.P.R.; then Canada Land took it over, and now it is P.F.A.A.

The VICE-CHAIRMAN: It was through your reserve?

Chief McHUGH: It was on the edge of the reserve; it was not through the reserve.

The VICE-CHAIRMAN: And yet you claim that you paid the salary of that ditch-rider?

Chief McHUGH: Yes.

Mr. BALDWIN: Mr. Chairman, possibly all the information is not available at this time with which to deal with this in all the detail we might need; but I wonder if the department officials could prepare and have at some later date some documentary statement about this, going back to its origin, with some detail as to the positions of the various people who were paid. Then we would have an opportunity to go into this complaint, with probably a little better prospect of arriving at a solution.

The VICE-CHAIRMAN: Yes.

Mr. BROWN: We could certainly try.

The VICE-CHAIRMAN: The only thing I can say, personally, is that probably this band had a considerable amount of money at one time, and they wanted to improve their lot and position and have gone ahead on this policy and hired these people. That is the only thing I can suggest that may have happened. Is that not true, Chief McHugh?

Chief McHUGH: As I stated before, the council today still has not the power to go on their own. The approval has to come from the department, before we can make a move. We do not govern our affairs; the department makes the decision on every action that we take.

Senator MacDonald: Mr. Chairman, I wonder whether this is an appropriate question to ask Chief McHugh: what is the limit of your powers as a band council? I would like to get that on record.

Chief McHUGH: This is the \$64 question.

The JOINT CHAIRMAN (*Senator Gladstone*): None at all, I do not think.

Chief McHUGH: That is very true.

An Hon. MEMBER: Minimum and maximum, Senator.

Senator MacDonald: Between the two.

Mr. Gundlock: They are both the same.

Mr. Thomas: Mr. Chairman, I wonder if we might ask Mr. Brown if he can give us any reason for that change of policy that took place in 1954, when, as he says, steps were taken to pay these people working on the reserve in a different manner to that in which they had been paid previous to 1954.

The VICE-CHAIRMAN: I believe Mr. Battle can answer that.

Mr. Battle: Mr. Chairman, the only suggestion that I can make there is that at about this time we were expanding staffs at quite a number of the agencies. We concluded that there was in comparison an injustice being done to the Blackfoot band, and decided that something should be done about it. It was for this reason that we brought their salaries under appropriation. This is the only explanation that I can give.

Mr. Thomas: Then might we go one step further here and ask Mr. Battle if he can tell us over what period of years, or for how long the department felt this injustice to the Blackfoot band had been carried on?

The VICE-CHAIRMAN: That is a pretty difficult question for Mr. Battle, Mr. Thomas.

Mr. Battle: I do not think I can answer that.

Mr. Thomas: I do not press for an answer, Mr. Chairman. I was just establishing a point there, that the department feels there was injustice, and could we get some idea of the duration of this injustice. It must have extended over a number of years, between 1910 and 1954.

Mr. Battle: I cannot answer that, Mr. Chairman; but I can say this, that during this period in the early 50's the Blackfoot band was beginning to find it difficult to finance through their band fund for two reasons mainly. The services to which they had become accustomed were costing more money. Secondly, their revenues had decreased so they were finding it difficult to maintain their band fund and maintain the services. This, of course, accentuated the fact that this was an expense which they could not really afford to continue, having in mind that they did not want to deplete their band fund.

The VICE-CHAIRMAN: I would suggest that that question could be asked in probably a little different way, Mr. Thomas and you would get the required answer. Could we find out when the band first suggested that this band fund was being depleted and asked for assistance. When was that suggestion first made to the department, do you know that?

Mr. Battle: I do not recall offhand, Mr. Chairman.

Mr. Gundlock: I think Chief McHugh answered that question, Mr. Chairman. He said they have been complaining for 25 years.

The JOINT CHAIRMAN (*Senator Gladstone*): I can tell you when it happened. It happened when the price control was taken off and everything flew up.

The VICE-CHAIRMAN: That would be 1946 or 1947.

The JOINT CHAIRMAN (*Senator Gladstone*): Yes, when the wartime prices board control was taken off and rents went up along with everything else. That is the time it happened.

The VICE-CHAIRMAN: That would be about seven or eight years previous to the time the action was taken.

Senator SMITH (*Kamloops*): Mr. Chairman, before we leave this subject I would say that we have been given information that would lead us to believe that recognition has been given to injustices, or there has been an admission that injustices had been taking place. This conclusion was reached in 1954. There has now been an estimation given that the injustices amounted to a total of \$250,000. Did I get that figure correctly?

The VICE-CHAIRMAN: It was \$225,000 I think.

Mr. BATTLE: It amounted to \$232,000.

The VICE-CHAIRMAN: It was \$232,000, Senator Smith.

Senator SMITH (*Kamloops*): It amounted to \$232,000, thank you.

The VICE-CHAIRMAN: That is approximate.

Senator SMITH (*Kamloops*): Are those two items related? Are we to conclude that there were injustices in connection with expenditures that amounted to \$232,000?

Mr. GUNDLOCK: Would that figure be related to one year, or ten years?

Mr. BATTLE: That is the total as far as we know. That is the total for all the years.

Mr. SMALL: That was for the purchase of houses, the payment of wages in connection with the hiring of instructors, etc.

Chief McHUGH: At one time we furnished four trucks and two cars, and maintained them. We kept them on the road and provided gas and oil and repairs. These vehicles were provided for the farm instructors, the stock men and there was one car provided for the hospital. These vehicles were turned in every couple of years for new ones. There were six houses built. They were maintained with facilities from 25 to 30 years as well as cost of wages. As I said before there were four farm instructors, two stock men, two assistant stock men, a ditch rider and a farm hand besides the office clerks. That \$225,000 figure I think, would be awfully small. I do believe you would find a white man who would work for that period of years for that salary.

The JOINT CHAIRMAN (*Senator Gladstone*): Just as a matter of information, and perhaps I should not say this but I intended to bring it up later on, but it will be of interest at this time. When I came down in 1947 to Ottawa the delegate representing the unaffiliated reserves from the province of Alberta was a member of the Blackfoot Indian tribe in the person of Ted Yellowfly, if anyone would care to read the reports of that time. I had quite a lot of discussion with Ted Yellowfly because I worked in the coal mine with him for three winters during the years of the depression. I said, "Teddy why don't you buy back all this land that you surrendered in 1908? I will bet you could buy almost all of it back and still have half of your capital fund." He said, "oh, no. What is the use of land? The main thing is lots of money."

You see, that was the idea then. The main thing in those days was to have lots of money. They did not think there was any need to own land. They thought that their money would never run out. Of course, everything was hunkie-dorie in those days, if you had lots of money, but if you had lots of land you were poor. I am speaking of the depression years. They could have bought back all the land that they sold and still had a sizeable band fund in those depression years.

Mr. MARTEL: Mr. Chairman, I would like to ask Chief McHugh a question. During those years from 1912 to 1954 was an Indian employed as a staff member at any time?

Chief McHUGH: Not on the important jobs. There were some employed feeding cattle and doing other jobs such as hauling hay or cutting hay and things of that nature, but not on the important jobs.

Mr. MARTEL: Were they paid out of band funds?

Chief McHUGH: Just a moment. There was one individual hired for a short time. It was Howard McMaster who was hired and worked in the office for a short time. He ended up in the Camsell hospital. I think he worked there for six months and then he went to the Camsell hospital. That is the only Indian that I know of who was employed during that time.

Mr. MARTEL: And since 1954 have any Indians been employed by the department?

Chief McHUGH: There is one girl working in the hospital. She is councillor Crowfoot's daughter. He has two daughters. One works in Calgary as a stenographer. She could not get a job on the reserve so she is now working for an oil company in Calgary. He has one daughter working in the hospital as a nurse. That is all the Indian employees that I know of at the present time.

Mr. SMALL: In regard to this \$250 item that you were talking about if you spread that over a 50 year period it averages out at \$10,000 a year. Of course, prices would not be as high during the earlier stages as they are now. From 1950 prices started to jump. The price of a house, for instance, would be very low at the particular time when it was built. \$10,000 would be the average. I do not suggest that it would be constant throughout that time or is the same today.

Mr. THOMAS: There is one other question I would like to ask. Mention has been made of Indians who were hired to feed cattle. Whose cattle would these Indians be feeding?

Chief McHUGH: I would have to go back into a little story on that subject. Prior to about 1928 we had one of the biggest beef herds in western Canada. It was the best beef in western Canada. We shipped beef to Winnipeg and all over.

Mr. THOMAS: Who owned them?

Chief McHUGH: These were individually owned.

Mr. THOMAS: They were owned individually by Indians?

Chief McHUGH: Yes.

The JOINT CHAIRMAN (*Senator Gladstone*): Were they owned by individuals?

Chief McHUGH: These cattle were looked after and bought by individual owners. They were the individuals' property. In 1928 Mr. George Gooderham decided that the cattle should be made the property of a community group. They took the cattle away from the owners and put them into a community herd and hired these boys to herd and feed them and to look after them. There was a percentage taken from the proceeds of the sale to pay the wages of these boys and there was a percentage given to the owner. At one time there was 25 per cent paid to the owner, and then 30 per cent, and it finally went up as high as 40 per cent, paid to the owners during the last few years that the herd was maintained. The owners received 40 per cent of the proceeds of the sale and the rest went towards maintaining the cattle.

Mr. THOMAS: Can you tell us whether or not any of these cattle were bought with money that came from the proceeds of the sale of the land?



Chief McHUGH: No, I do not believe there were. We never used anything but revenue money to operate on. The capital money is kept in trust. The revenue money is all we used to do our yearly budgeting. If we have \$200,000 we do not go over that in our budget, and if we have extra money we use it for improvements on the reserve. There were some cattle bought but they were bought out of revenue money, not out of the capital money.

Mr. THOMAS: Are there any cattle owned on the reserve now?

Chief McHUGH: There are very few; possibly 500 head on the reserve at the present time.

Mr. THOMAS: To whom do they belong?

Chief McHUGH: There are about five owners, or possibly six, who own that herd. Councillor Crowfoot has some, I think; Roy A Young Man, has the biggest herd—possibly 200, and Dick Bad Boy has over 100. The remainder are on the eastern end of the reserve. There is in the neighbourhood of 500 altogether. But what happened there was that when these cattle were turned back to the individual owners in 1947, and they were held by the department in a community herd from 1928 to 1947, and the original owners were all dead, and the ones who inherited that herd had no responsibility whatsoever. The herds were turned over to them as their estate. They immediately sold them, because they had no training in looking after cattle. The department always had these cattle in a community herd, and they wiped them out.

Mr. THOMAS: Did the council consent to the setting up of this community herd?

Chief McHUGH: No.

Mr. THOMAS: Did the council want it to be set up?

Chief McHUGH: I do not believe the council were consulted at all. That was 1928, and as I was a young fellow at that time, I was not taking much interest in what was going on.

Mr. SMALL: In regard to the revenue about which you were talking, you said the money for the purchasing of the cattle was taken out of the trust fund.

Chief McHUGH: There was no cattle purchased from the trust fund; anything we purchased was purchased from revenue. Our revenue was obtained from our leased land, sale of gravel, farming leases, and so on.

Mr. SMALL: Where did you get the money to purchase the cattle in the first place?

Chief McHUGH: Leased cattle were mostly purchased by individuals.

Mr. SMALL: Where did they get the money?

Chief McHUGH: It might have been in the form of loans from band funds. There was a loan account set up. At first it was \$25,000, and then later on, it was raised up to \$40,000. This could be loaned out on a security basis to different people. In some cases, there might have been some cattle purchased under that plan.

The JOINT CHAIRMAN (*Senator Gladstone*): Perhaps I had better enlighten you people on that.

The treaty said they were issued, I think, two head of cattle, and so on, to each adult male with a family—and that began when the reserve was set apart. They received that right up until 1900, as far as I can remember, although it may have been a few years later. That is why it was so popular on my reserve that Indians who had had herds of horses traded ponies to enlarge their cattle herd. As Chief McHugh says, we were put under the same system of a community herd in, I believe, 1908 or 1909.

On account of the regulation passed that all cattle had to be dipped, it was thought the best way to handle them would be in one herd. Of course, those who owned cattle—the young fellows who were riding, and looking after them—looked after their own. However, those who did not, did not know whether their calves were branded to the same brand that was on the calves' mother. I was working for the stock man and, on many occasions, I found cows running around with brands that had a different ownership on them. In 1921 the herd was turned over to the owners. Now, during that time, from 1908 to 1921, a lot of the original owners had died, and their estates were there. However, the young fellows did not know anything about how to handle cattle and, therefore, the best way to do it was to sell them, and their worries were over.

Mr. HENDERSON: I was there in 1907 and 1908, and these Indians had thousands. We used to go up from eastern Canada, where I was living in Manitoba, and they would buy carloads. They were very cheap. The number of ponies they had was fantastic.

The JOINT CHAIRMAN (*Senator Gladstone*): The Crees used to come back to us, after they came up on the hill at Wetaskawin and make a pipe of peace. They used to visit our reserve with gifts, and used to go home with fifty and sixty head of horses. Before, they had half a dozen; they went home with gifts of fifty or sixty head of horses.

Mr. SMALL: Well, I started out to find out whether the money came from capital funds or the account, and we have gone off on a tangent. What I was trying to get at is this. Was there anything taken out of revenue to pay back into the trust fund to meet the debt? Was there anything out of it to wipe out your indebtedness, that came out of the band fund?

Chief McHUGH: The only money that was taken out of the band fund was in the form of loans, and they were repayable at 5 per cent.

Mr. HENDERSON: George Houck had 200 ponies at his place. I knew him very well. I was with him when he had the race horses. The boy traded off a bunch of ponies once, and they never bothered about it. The old man took it for granted.

The VICE-CHAIRMAN: I am afraid we are getting off the track.

The JOINT CHAIRMAN (*Senator Gladstone*): I just gave this as information.

Mr. SMALL: Is that what they called broncos in those days?

The VICE-CHAIRMAN: Chief McHugh, you said you loaned money from the capital account, I believe; did you have any losses on that loan system which you had?

Chief McHUGH: Not so far. Money comes out, goes back in, and is loaned out again. We have the same account today, but we increased it from \$25,000 to \$40,000, and we always make sure that anyone who borrows pays back.

The VICE-CHAIRMAN: Into the capital account?

Chief McHUGH: Yes.

The VICE-CHAIRMAN: Up until now the loans have all been repaid?

Chief McHUGH: Yes.

The VICE-CHAIRMAN: Are there any more questions on No. 6?

Now, ladies and gentlemen, we have with us Dr. Kindt, who is desirous of asking a few questions.

Is the committee in agreement to Dr. Kindt asking these questions? He is not a member of the committee, of course, but if you would agree that he be allowed to ask these questions, it is all right with the chair, as long as you make them short. I say this, because we have another delegation waiting, and we do not want to delay the matter too long.

Is it agreed ladies and gentlemen?

Agreed.

Mr. KINDT: Mr. Chairman, I sent you a note purposely, because the discussion pertains to land that is in my riding, and the Indians who are here giving evidence are also from my riding. It is a privilege to be here with them, to hear the discussion, and to partake in it.

The VICE-CHAIRMAN: Was there any special question you wanted to ask?

Mr. KINDT: As time goes on, there are one or two.

The VICE-CHAIRMAN: But not on this section?

Mr. KINDT: No.

The VICE-CHAIRMAN: Could we continue then to No. 7, which pertains to the hospital?

Mr. THOMAS: I had a question on this, regarding who built this hospital, maintained it, and so on.

The VICE-CHAIRMAN: You asked Dr. Moore previously, and I stopped you.

Mr. THOMAS: Yes. Could Dr. Moore answer that question.

Mr. MOORE: As Chief McHugh has said, to the best of my knowledge, when I came to the department the hospital was owned and operated by the band, and from band funds. I think they put up the full capital cost of the hospital and the ancillary buildings for staff.

We believe in the policy of self-help for Indians in connection with their medical care, when they can afford it.

Representations were made, starting around 1954 to 1956, that the band funds were becoming depleted. We pay people on the staff who had been formally paid from band funds regular civil service salaries. Those people were in a rather anomalous position. They were in civil service positions and were contributing to superannuation, but their salaries were being paid from band funds.

The complete cost of medical care was not, however, just wrapped up in that hospital because we had always maintained public health and nursing care, even in the days back when I first came to the department in 1930, when there were travelling nurses who went there and were paid from the vote; the cost of tuberculosis and the care of the mentally ill and public health was always paid from the vote.

The first arrangement was when we started to operate the hospital, when the band, I think in that one year, agreed to pay towards the cost of maintaining their patients in the hospital at a rate of some \$6 a day. I do not know if there were any payments made or not. I know that we billed them, but I do not know if they paid the bills. But we never pressed them for payment.

Then the band made the request that we purchase the hospital from them, and in the interim pay a rental to the band for the use of the hospital to look after this band. We refused to do this. We thought that since they had funds and were in a similar position to some other bands that were meeting quite a portion of their medical care, they should do the same thing.

Last year in company with our deputy minister we visited the Blackfoot reserve and met the chief and council, and I think we came to an agreement which we fully intend to implement, and to which the council agreed unanimously, whereby they will give title to this hospital through our department, but on a returnable basis, that is, if the agreement we make—that is, after a certain time is up, if they are not satisfied with it, we shall return the hospital to the band as their property, and in the meantime we intend to carry out certain improvements to the hospital.

The medical situation there is not very good. I know the band is not satisfied with it, and we are not satisfied with it. There is no doctor in Gleichen, but there is a clinic however in the next town with two doctors who go there twice a week or in an emergency. I shall try to get a doctor to settle in Gleichen, but there is not enough white practice there.

I know that this council has been talking with the municipal authorities to see if some kind of deal can be worked out.

We have also promised the band. I know that the town of Gleichen and that area are without hospital services and are anxious to have some service made available. We said it could only be done through negotiation with the band, and with the consent of the band; and that if the municipality wanted to make an agreement with the band and to pay for some of the capital cost, and to make some funds available for their white neighbours, and if the band agreed we would go along with them and operate the hospital.

In either case the Blackfoot Indians are insured under the Alberta hospital scheme and are eligible for treatment in any hospital in Alberta. We have paid to the provincial government the mill rate assessment on the Blackfoot lands, which give us entitlement.

Again I want to say that all the public health services, the care of the tubercular, and care of the mentally ill have been carried by appropriation all the way through. Now if there are any other questions I shall try to answer them. But I do congratulate councillor Crowfoot on his daughter being a nurse and our employee in the hospital. She is a very fine girl, and we think a lot of her.

I told the band members when I was there that we hoped to see if we could have a full Indian staff in the hospital including doctors and nurses. I think I may see it one day. I think I may see that day.

Mr. THOMAS: Do you remember when this hospital was first built?

Mr. MOORE: It was before my time in the department. I think it was in 1922.

Mr. THOMAS: And they said it was built and maintained without the approval of the tribe. Have you any knowledge concerning that?

Mr. MOORE: None whatever. I could find nothing in any of the old records that we have. As you know, separation was made between the Indian health services and the rest of the branch in 1945, and our records of any transaction prior to that in the department of health are very scanty. I think all these transactions might be represented in some old records that are now in the hands of the Indian affairs branch, but we have no record in the Department of Health and Welfare.

Mr. GUNDLOCK: I wonder if someone could tell me about this: Dr. Moore I think said that they encouraged self-help among the Indians. Where does that fit into the treaty? Is health and welfare part of the treaty, and that if they have money they have to pay for it, but if they do not have money, they do not? What does this treaty say about it? What is the original agreement?

Mr. MOORE: We have made extensive research into this, and we have had opinions from the Department of Justice. The treaty that is referred to is known as the Medicine Chest, and the Department of Justice ruling is that—and this is a term I have been warned not to use, and we do not intend to use it—that there is no legal obligation on the part of Her Majesty to supply medical care to Indians. But the government has accepted it as a moral responsibility, and annual appropriations of money are made.

There is a section of the Indian Act which gives the minister power to appropriate money for Indians for medical services to Indians; but there is no



treaty, and no law that we can find in existence that makes this a legal obligation on the part of the crown. I think the whole record pretty well speaks for itself.

The government appropriates more than \$20 million annually now to set up health services for Indians; but that does not remove the obligation from the Indians individually or as bands to make some contribution, where they are able to do it, towards the cost of their medical care.

We try to be as lenient as we can, and we try to see that there is no undue hardship. And as the minister has stated on more than one occasion, no Indian will be allowed to lack medical care because of financial difficulty, either as a band or as an individual.

Therefore these resources are voted by parliament, and within the limits of available medical personnel we have increased this as rapidly as we can. There is a shortage of doctors and nurses across the country, but I think we have throughout the years done our fair share for both, and I think there have been so many devoted men and women who have gone out and taken these rather difficult jobs with less financial remuneration than they could have made elsewhere, simply because they felt that there was a service that was needed.

The VICE-CHAIRMAN: Are there any further questions on section 7?

Senator MACDONALD: I wonder if the chief has any comments to make.

Chief McHUGH: No. The only thing I know is that it was built with band funds.

Mr. THOMAS: Before we get off this subject I would like to make the comment that I think there is a matter of equity here in the treatment of tribes as compared with tribes, or of bands as compared to bands across the country, and that it should be thoroughly investigated.

Now some of the Indian bands are becoming quite wealthy through oil royalties, and this particular band built up and had a large fund at one time through the sale of land which they felt was surplus to their requirements at that time; and these funds have been used for purposes which, in the case of other bands the government has supplied them free.

I think that matter should be given thorough consideration as a matter of policy before the committee gets through.

The VICE-CHAIRMAN: I am sure the committee will give it fair consideration. I am sure it will. Are there any further questions on item 7?

The JOINT CHAIRMAN (*Senator Gladstone*): I would like to know how many reserves in Canada have maintained hospitals on the strength of their land which was surrendered for their benefit?

Dr. MOORE: Mr. Chairman, to my knowledge this is the only one which was wholly maintained. There are other bands which have paid their total medical cost where they had sufficient band funds. There was not sufficient in the band funds to warrant a full time hospital; but they paid all their medical costs in the local hospitals. The bands contribute to varying degrees according to the band funds they have. It always has been the policy of the Indian affairs branch to vote the funds when needed through the medical branch.

The JOINT CHAIRMAN (*Senator Gladstone*): I was thinking in terms of the Indian surrenders. I am not speaking of the revenue which has come out of the reserves. In how many cases has the surrender capital been used to maintain hospitals?

Dr. MOORE: Mr. Chairman, I think it is the revenue which is used. That is the evidence I have. The revenue was used to operate the hospitals. I cannot say whether or not the capital cost to build the hospital was supplied from revenue or funds; but I am informed the funds for the operation came from the revenue account and not the capital account.

Mr. THOMAS: I wonder if Mr. Brown, from the records at his disposal, could throw any light on the spending of this money without the approval of the tribes as stated in the brief.

Mr. BROWN: The only record we have is an order in council which was passed on July 10, 1923, which stated in part:

—The department estimated the cost of the building at \$20,000 and a resolution was passed by the band in favour of that amount being expended from their capital.

We have been unable to locate such a resolution. This is the order in council itself.

Mr. THOMAS: But you do not have the resolution which was passed.

Mr. BROWN: We have not been able to find a record of the actual resolution.

Mr. KINDT: I would like to ask Chief McHugh when he found it necessary to call in a doctor on some serious case on his reserve where would he have to go to obtain that medical service?

Chief McHUGH: We are using the doctor from Bassano.

Mr. KINDT: How far away is that?

Chief McHUGH: About thirty-five miles.

Mr. KINDT: And it would be necessary for him to come to the reserve and return.

Chief McHUGH: Yes.

Mr. KINDT: The complaints which have come to me as a member of parliament are that the Indians on that reserve are almost without medical attention because of the distance to the doctor.

Chief McHUGH: Yes. That is true.

Mr. KINDT: There is one other point. It has been said that the only emergency care would be from a nurse.

Chief McHUGH: Yes.

Mr. KINDT: Are the Indians satisfied with that?

Chief McHUGH: Definitely not. We have been complaining about that over the years for at least six years now. That is why we are trying to negotiate with our hometown to get a doctor between us and them so that the doctor will be located there if he is needed.

Mr. KINDT: In attending some of your meetings and talking it over with the people I have found that in many cases they were denied access to some of the new sulpha drugs which we who have close access to medical health have had. I understand that because of the inaccessibility of medical care the Indians have been denied these.

Chief McHUGH: Yes. There is no issue of drugs whatever from the hospital there.

Mr. KINDT: Mr. Chairman, I think above all, as consideration is being given to things on this particular reserve at Gleichen that the matter of the medical care ought to be investigated very carefully. I have had many letters in respect of this problem and I feel it is a matter which should be put on the record.

The VICE-CHAIRMAN: I thought Dr. Moore had answered that. I see he would like to say something else. I would like to ask him to comment on your statement, Dr. Kindt.

Dr. MOORE: Mr. Chairman, I agree, and I said that we were not satisfied with our medical attention at the reserve and that we are trying to work out a better system. I am submitting in my estimates which we are now preparing

for next year a sum of money to provide a doctor's residence. I do not think there is a suitable residence at Gleichen for a doctor to move into. We used to keep a full time doctor there. It just got to the point where we could not get a man to go there and stay. There has been a shortage of doctors. The next best thing is to make arrangements with the clinic operating at Bassano. The sick Indian usually is brought there. The nurse goes as far as she can go, and if she thinks it is beyond her capabilities she calls the doctor. He holds clinics there twice a week. I am told he does not always stay as long as he should or come on time. I know these people have legitimate complaints. I have talked to people about it. They say we are very busy and do the best we can.

The VICE-CHAIRMAN: Is there anything further in No. 7?  
No. 8?

Chief McHUGH: No. 8 regards tax rights. As you all know reserve land is exempt from taxes of any kind. Up until about seven years ago we were not required on our own land to have a driver's license, which I believe is the law across Canada on land owned by anybody. They have the right to drive on that land without having a plate on their car. On the reserve all roadways are maintained at the expense of the Blackfoot band, were dug by the Blackfoot band themselves, and are Blackfoot property, so we do not feel they are giving us justice by enforcing us to have plates in our own domain. There is an order in council they are supposed to be using to that effect which only states that a road which is a provincial road crossing a reserve is a driveway which the public has access to, and all entrances to reserves are posted with trespassing signs which, to my way of thinking, means that the land is private beyond that sign. In Canada they do not have drivers' licenses and plates on private land. We have been fighting them for several years now.

The VICE-CHAIRMAN: That is purely a provincial matter, I would take it?

Chief McHUGH: According to them, this is federal. This is an order in council passed here. Maybe the chairman could give you that.

The VICE-CHAIRMAN: Mr. Brown will explain that.

Mr. BROWN: What Chief McHugh is referring to is that under an order in council passed under the authority of the Indian Act, regulations which are called Indian reserve traffic regulations were established to govern traffic on reserves across Canada. One of the provisions of these regulations is that provincial traffic laws apply with respect to the operation of motor vehicles by Indians on the reserves. It goes on to provide that they must be licensed in accordance with the provincial laws.

Mr. GUNDLOCK: Would you say, as the chief stated, they should not have to have a license, because he is quite correct, you do not need them on your own land?

Mr. BROWN: This covers reserve roads. That is a regulation under the Indian Act.

Mr. GUNDLOCK: It says, in accordance with the provincial law.

Mr. BROWN: That is making the provincial rules apply to reserve lands.

Mr. GUNDLOCK: In Alberta I do not need a license to drive a car on my own farm.

Mr. BROWN: That might be true if the Indian stays on the farm.

Mr. GUNDLOCK: That is what he is talking about, and not leaving the reserve.

The VICE-CHAIRMAN: Chief McHugh said roads maintained by the band.

The JOINT CHAIRMAN (*Senator Gladstone*): They would be private roads.

The VICE-CHAIRMAN: As well as on their own property.

Mr. GUNDLOCK: That is private property.

Chief McHUGH: Reserve land is the common property of the whole band, and it is just like one big family.

Senator SMITH: Does that mean that by the regulation under the order in council the motor vehicle owner is obliged to pay revenue to the provincial department of motor vehicle licenses, and that they cannot by their own law collect? Could they enforce the motor vehicles act within the boundaries of that reserve?

The VICE-CHAIRMAN: Not being a lawyer I would not know.

Senator SMITH: It seems to me unfair, if they confine the operating of their motor vehicle to their own private reserve, that there they should be forced by federal order in council to be subjected to that provincial revenue the province does not earn. They are not providing any highways or maintenance to justify their collecting the motor vehicle revenue for a motor license. I do not think they could enforce the motor vehicle act of the province within the private property of that reserve. Why should the Indian be forced to contribute taxes through a motor license?

Mr. BALDWIN: Regarding the order in council that was read, I should think, off hand, the only compulsion about it would be that the Indian would be compelled to have a plate and driver's license when operating the vehicle on a provincial highway that happened to go through the reserve. If they did not have that order in council it might well be that they would not even have to have the license plates or the license concerning the provincial highway going through the reserve. But as has been said, there is no question about provincial regulations applying to compelling the use of a license and plates only on highways designated as such under provincial law.

The JOINT CHAIRMAN (*Senator Gladstone*): I got away with it one year up to the middle of August, and then I had to go to a town on business, and I was on a provincial road. The police got me, and I could not get away with it much longer. I thought the cheapest way was to get a license.

Mr. BALDWIN: Has there ever been any Indian with the courage of his convictions to fight this? Has there been a test case, and has it ever been decided? I am wondering if there has been a test case at any time.

Mr. BROWN: I think there was a decision fairly recently in Sarnia, Ontario, where the police followed an Indian up the provincial highway road, into his back yard, and laid some sort of charge against him. I have forgotten whether it was a charge of having a license but maybe he did not have a driver's license. This is only conjecture, because I have forgotten the exact details, but I believe the courts upheld the charge.

The VICE-CHAIRMAN: That would not be a similar case, because that is driving up a provincial highway on to his own property.

Mr. BROWN: He was in the confines of his own back yard when they arrested him. They searched his car. It might not have been a parallel case. Under the regulations I mentioned, in connection with that remark on roads, there is this particular definition which applies

"road" includes any roadway, driveway, street, lane or other place open to the public for the passage of vehicles.

That is the definition of the word "road".

Mr. BALDWIN: If he was charged with an offence there is that order in council, but if he is charged with an offence against the provincial law, he would have a good defence on the ground that he was not operating his motor vehicle on a provincial highway. I am not trying to promote litigation.



Mr. SMALL: Does the thing involve identification of the car, for the purpose of action in regard to an accident or property damage? It would be all right with a truck that would not leave the reservation, because it would be on the farm; but where they are driving a motor vehicle of their own, like Senator Gladstone, at some time or other they have to go on a provincial highway and travel without a license. It is for the matter of identifying the car or who owns it, and if there is any accident or property damage or killing somebody, they have to have identification of the car. I think that is the only reason why all provinces have set out having markers on the car.

Mr. KINDT: I would like to ask Chief McHugh if the road from Cluny to Milo is a provincial road or the responsibility of the Indian band, as it runs through the reserve.

Chief McHUGH: That road was taken by order in council from Ottawa, and was never paid for. It was turned over to the province by the Indian Department.

Mr. KINDT: At the time the natural resources were turned over that road right-of-way then became crown land under the administration of the highways department in the province of Alberta?

Chief McHUGH: As far as I know, yes.

Mr. KINDT: Therefore, you take the position, as a band you have no responsibility whatever for the maintenance or construction of that highway?

Chief McHUGH: True.

Mr. KINDT: Mr. Chairman, I wanted to bring that out because the farmers and people who use that highway from Milo to Queenstown, and across to Cluny, have been complaining and blaming the Indians for not keeping that highway in shape. I have taken the trouble to find out from the Department of Indian Affairs that that is purely a provincial matter and that the roads should be taken care of by Mr. Taylor and the highway department in Alberta. I wanted to put that on the record, in clarification of the position of the Indians and in clarification of who is responsible for the maintenance of that highway.

Senator MacDonald: That is good advice.

The VICE-CHAIRMAN: Are there any further-questions on No. 8?

Chief McHUGH: There is one thing I wanted to state with regard to this licence matter. In the first place, we have a treaty which protects our land from taxation; and in the second place, when there is a law that is not enforced within any of the provinces, can that law be changed to be enforced on an Indians reserve? Are we a different kind of people in Canada, that we have to have different laws? That law is not enforced in any part of Canada, that you have to have a plate to drive on your own land—and how can it be enforced on the reserve?

Our laws are drafted from the existing laws of Canada today, only in most cases they are of milder enforcement; they are not as severe. This law of driving on your own property has never been enforced outside the reserve; and how can it be enforced within a reserve?

The VICE-CHAIRMAN: The only thing I can say to that, Chief McHugh, is that I know perfectly well that there is nobody driving a car, I think, on the Six Nations reservation at Brantford without a licence for it.

Mr. WRATTEN: The Department of Highways pays a percentage of those roads down there.

The JOINT CHAIRMAN (Senator Gladstone): Not on a private road.

Mr. WRATTEN: They do, on the Six Nations reserve.

The VICE-CHAIRMAN: Yes.

Mr. WRATTEN: They make make an appropriation down there every year for those roads, and the Indian council pays the other portion. That is the way they work it down there.

Mr. THOMAS: I can verify that, Mr. Chairman. I know that on the Caradoc reservation, in our constituency, the provincial government makes the usual grants that are ordinarily made to municipalities—

Mr. WRATTEN: That is right.

Mr. THOMAS: —To the department of Indian affairs, in connection with construction and maintenance of all the roads on that reserve.

The VICE-CHAIRMAN: Fifty and 80 per cent.

Mr. WRATTEN: Fifty per cent on roads, and 80 per cent on culverts and bridges.

The VICE-CHAIRMAN: That is right.

Mr. BALDWIN: Mr. Chairman, there is one suggestion I would advance to Chief McHugh, in order that he might consider this. When you pay your licence fee in Alberta, you pay an extra dollar, and for that you get the protection of what is called the automobile accident indemnity fund. If you are involved in an accident, and the other party is not in a position to pay the amount of the damage, then you have recourse to this fund.

I do not know whether or not you do that; but that is a point that should be considered, that by the payment of that additional dollar, you have a chance to have recourse to this substantial fund, covering any damages which you may sustain and which you cannot collect from the other person.

I just bring that to your attention, Chief, because it may be of some concern to you.

Mr. WRATTEN: Is it quite clear, Mr. Chairman, that the Alberta provincial government does not pay any money whatsoever to the band for their roads, in any way of subsidy?

Chief McHUGH: I could give you a good answer on that. About three years ago the provincial government decided to pay out oil dividends, as they called them. There was \$20 paid out the first year, and the second year I think it was \$17.50. Last year they decided to pay that out in benefits. That included the municipalities. As we were not part of a municipality, they did not give us any of that, after they started to pay out so much to each municipality. We have been trying every angle since, to at least get that money on some kind of a basis to fix our roads, and they will not even consider it at all.

Mr. BALDWIN: Do you qualify for that \$10 per person that has been paid this year?

Chief McHUGH: No.

Mr. WRATTEN: I presume that they would not pay you that money for the simple reason that your tribe is like the Six Nations township. It is part of the county for everything else; but for municipal purposes, they pay no taxes whatsoever in our county, so they get no refund back, and no subsidy.

Chief McHUGH: In the first place, how come they gave us the money?

Mr. WRATTEN: I do not know.

Chief McHUGH: What is the difference between the money, and the grant for road purposes?

Mr. KINDT: Chief McHugh, did the Indians participate in the oil bonus?

Chief McHUGH: Yes, we did, after a fight.

The JOINT CHAIRMAN (*Senator Gladstone*): What do you call the bonus?

Mr. KINDT: The dividend.

The **JOINT CHAIRMAN** (*Senator Gladstone*): \$20 and \$17?

Mr. **KINDT**: That is right.

The **JOINT CHAIRMAN** (*Senator Gladstone*): I wrote to the Premier of Alberta about paying us under the so-called five-year plan that they are under now. I have not had an answer from him.

Mr. **KINDT**: There is one other question, Mr. Chairman. What proposal have the Indians on your reserve, Chief McHugh, to recuperate the band funds which are so terribly depleted at the present time, as compared with what they were years ago?

I understand that you have submitted certain ideas; that you have credits, loans, and other things in mind. Have you worked out any plan which would increase the earning power of the Indians and would make them more self-sufficient?

Chief **McHUGH**: At the present time, unless we have money, we cannot very well work out any kind of plan. We have asked for a loan from capital money on a repayable basis for electrification, which will increase the living standard on the reserve a great deal. We asked for that four months ago, and as yet we have not had an answer on it. We have not had an answer as to whether it is going to be approved or not.

To start any project, we only have the capital to fall back on; the revenue is pretty well taken up with the other expenditures of the reserve as it comes in each year. We have a good amount of land there that could be used. After this resolution there is another one coming up on loans that is going to cover that, trying to start some project that would help the people make a better income.

The **VICE-CHAIRMAN**: That comes under No. 9, Dr. Kindt. It was not included in the brief; it has been added to the brief since the delegation arrived. We will deal with No. 9 now.

Chief **McHUGH**: I am referring to what we call band loans. It is capital money that is set aside to loan to Indians for any purpose outside of housing. It covers cattle, farming—any occupation of that sort. At the present time, the regulations governing this are, that if you borrow money from this account, you have to put up double the security.

If you borrow \$1,000, you have to have \$2,000 worth of security, to borrow from this fund. That is all right for the man who has already started in the world, who has the property to back him up. But what about the man who has nothing; who is trying to get a start in life? That is his money, as well as the rest of the band, and yet he cannot borrow his own money unless he has enough security to double what he is borrowing.

That is what we wanted to try to get changed in some way, so that we can help the man who wants to help himself, by a loan—which he cannot get otherwise, only with security, at the present time.

Mr. **GUNDLOCK**: Chief, you have asked the department for permission to do this; is that the idea? Your council has asked the department for permission to do this?

Chief **McHUGH**: No, we have not asked the department to do this yet. But I was asked before I left, at our last council meeting, by the council, to ask your committee to support us in this, to try to find a way to get loans for people who were trying to start themselves up.

Mr. **GUNDLOCK**: That is, from band capital funds?

Chief **McHUGH**: That is, from band capital funds. It is repayable; but it should be regulated so that the man who needs the money has the opportunity to borrow. At the present time, it is the man who is already established that is the only one who is using the band funds.

Mr. KINDT: What you have in mind there, Chief McHugh; is that the setting aside of a certain amount of band funds which might be enjoyed, or might be loaned out on the basis of a greater risk?

Chief McHUGH: Yes.

Mr. KINDT: And it could be used as a revolving fund?

Chief McHUGH: Yes.

Mr. KINDT: And this would help the young fellow who has no capital to get started?

Chief McHUGH: Yes.

Mr. KINDT: It would set him up and get him started. I think your thought there and the thought of the band is an excellent one, and I believe that some ways and means should be worked out by the department and those in charge on the reserve to make that very suggestion possible, because if these Indians are to have earning power, and that is what they are striving for, and make themselves self sufficient they must have, in a capitalistic economy, sufficient capital to buy the raw materials from which they will be able to produce capital. I have reference to cattle and other things such as that. They have got the grasp but they have not got the capital to get started in business. It is the bridging of that financial gap through credit that is the problem, which I think is an extremely urgent one, that must be solved.

Chief McHUGH: At the present time we have almost 1,700 members in the Blackfoot band. There are 100 members farming and that is the extent of the occupation on the Blackfoot reserve. You can see how desperate the situation is right there. There are only 100 of them that are making an income, out of 1,700.

Senator MACDONALD: Would you be prepared, Chief McHugh, to make a statement as to the number of Indians who are not producing now but who would make good risks?

Chief McHUGH: I feel myself that there would be many of them if they only had the opportunity, right at the present time. The department can back me up on this. I think there are more Indians from our reserve who are employed off our reserve than any other reserve trying to make a living for themselves down in the beet fields at Lethbridge and Vauxall. There are quite a number. Is that not right, Mr. Battle?

Mr. BATTLE: I do not know how many there are this year, Chief.

Chief McHUGH: There was another load leaving on Tuesday. I think the people are showing a desire to work, but after all, the desire is not enough. You have got to have assistance.

Mr. KINDT: Mr. Chairman, may I ask Chief McHugh one other question? How many of the cattle on your reserve are owned by white men off of the reserve, but have been put there for the purpose of pasturing?

Chief McHUGH: I would say about 1,000 head.

Mr. KINDT: In other words, what you are trying to say is that if you had this revolving fund capital scheme those 1,000 head, over a period of time, could be owned by the Indians who in turn would not need to go out and seek jobs elsewhere?

Chief McHUGH: Yes.

Mr. KINDT: That is, unless it was the individual's desire to do so.

Chief McHUGH: Yes.

Senator MACDONALD: This is a question, Chief, that I think has not as yet been asked. I do not know how many families you have on the reserve, but does each family not have a cow from which they get their milk?



Chief McHUGH: No. There are possibly six or seven families only that have cattle on the Blackfoot reserve.

Senator MACDONALD: Do you mean to tell me that the rest of the families do not have a cow in order to get milk?

Chief McHUGH: No.

Mr. WRATTEN: How do these people live?

Chief McHUGH: On \$8 a month.

Mr. WRATTEN: On \$8 a month?

Chief McHUGH: You have heard a good deal about the ration money we pay out every month. That is the \$8 that we try to keep in our budget each year so as to give the people a little something because there is a lack of work on the reserve and there are no finances to help those who desire to go to work unless they go out and get a job outside. With the present set-up it is pretty hard for our gang to get a job because of the education. That is why there are so many in the beet fields. That is muscle work. That is the extent of their education, their muscles. Up until this last few years most of them did not receive a higher education than the sixth grade. There may be a few who went further in school than that, but the number is very few. Outside of half a dozen I would say that the extent of the pupils education is not over grade six. This situation has existed for the past 20 years.

Mr. WRATTEN: Do you mean to tell us that your people are living on the reserve on \$8 a month?

Mr. THOMAS: That figure is \$8 a month per person, not per family.

Chief McHUGH: Yes, that is per person.

Mr. THOMAS: May I ask Chief McHugh where this \$8 per person per month comes from for welfare?

Chief McHUGH: This comes from revenue. That is the interest on the capital acquired through the grazing fees, farm leases, gravel sales or leases. That is where we accumulate the revenue in order to provide for our budget every spring.

Mr. WRATTEN: Chief, if you say that these people have such a limited education and you have no funds, do you not think the department has been well advised in hesitating to lend these funds out unless they had some security? What is going to protect your loan? How would you ever get your money back if an individual did not make good and could not pay it back? You would be left with that much money gone again and your fund would be still more depleted.

Chief McHUGH: Which is most important, human life or money?

Mr. WRATTEN: You say your funds are now down and depleted and that has arisen for some reason. You must keep your money in order to get by.

Mr. THOMAS: I would like to ask another question, Mr. Chairman. Does the Blackfoot band look after their own welfare or does the government of Canada help?

Chief McHUGH: Outside of, I would say one case, which is the only one that has been looked after by the government of Canada, the band has looked after their own welfare. That one case involved a man of 62 years. He is almost completely bedridden. We tried for I do not know how many years to get him the old age assistance on account of his health but we never did. We tried for about five years, and finally the band allowed him \$15 a month until we could work out something different. Our superintendent at the present time, Mr. Murray, got him \$2 a day from the welfare. I do not know how he

worked it, but he did. We tried for five years to get it. That is the only case on the Blackfoot reserve that is being looked after by welfare. The rest are being looked after with revenue money from the band itself.

Mr. WRATTEN: Do you receive the baby bonus and the old age pension the same as the rest of the people of Canada?

Chief McHUGH: Yes, but that does not apply to the children who are in boarding school. Once a child goes into boarding school that is cut off. The children who are in day school and living at home, they receive the baby bonus, but that is not very much help.

Mr. WRATTEN: No, I agree. That is not very much. I do not know how you live on it.

Mr. KINDT: Mr. Chairman; Chief McHugh, you raised the question earlier in our discussions concerning the time when Indians had private ownership. They owned this cattle separately, and then the cattle were put into a community set-up where they lost their identity and the owners lost the feeling of private ownership, that ownership which impels an individual to put his best foot forward for his own investment interest.

Chief McHUGH: Yes.

Mr. KINDT: Do you attribute much of the distress among the Indians to that particular move?

Chief McHUGH: I do, mainly.

Mr. KINDT: Is it your thought that if we were, and I am referring to the government, with the help of the Indians, to revert with the proper credit system the cattle back into private ownership, giving the individual that feeling of ownership, would he be able to buy a few head of cattle and the other things that he needs for a successful operation?

Chief McHUGH: I think that would work out.

Mr. KINDT: In other words you could put these Indians to work, increasing their income because of the fact that they have the land now?

Chief McHUGH: Yes.

Mr. KINDT: There is an abundance of land there?

Chief McHUGH: That is the only way they will ever try to take over the management for themselves. They must have something to manage.

Mr. KINDT: There is one other point I would like to mention. The Indian, by his very nature is a man at home when he is riding a saddle horse, or punching cows, and it would seem that if you were to increase his income and give him 50 or 75 or 100 head of cattle this would be the quickest, and the best method to do so. It would also give him something to do which was within the realm of his experience and within his capacity to handle.

Chief McHUGH: That is true.

Mr. KINDT: Then is it not clear that whoever is giving direction to policy should take that into consideration when asking these Indians to go out and ride this complicated machinery, grow crops and other things, which are not in line with the past interest of the Indian in making him economically self-sufficient. Is that not true?

Chief McHUGH: Yes.

Mr. KINDT: And that it would be better to take the Indian as he is, not to remake him too quickly, but bring him gradually through the ownership of cattle, and after a generation or so, he could get on to these more complicated machines and so on, and probably work over into the other system of agriculture.

Chief McHUGH: Yes.

Senator MACDONALD: Chief McHugh, is there not a lot of that going on now—and I am referring to Indians operating mechanized machinery in the operation of their farming business.

Chief McHUGH: There are 100 farmers doing their own work on the Black-foot reserve. They do all their own farming, from seeding to harvesting.

Senator MACDONALD: There is one more question. Supposing the department of Indian affairs dumped half a million dollars into your band fund, who would you hold responsible for recommending risks, so to speak, for borrowed money, to get into cattle and so forth? Would it be the band council?

Chief McHUGH: I think, with the assistance of the Indian department, we should set up regulations whereby the man must prove himself of being capable of handling this. If we made the regulations strict enough, we would have the reins, and he would not be able to get away with it. Before he could get the loan, he would have to prove that he is capable of handling it.

Mr. KINDT: And before he dispensed with the cattle, he would have to clear.

Chief McHUGH: Yes, he would have to clear his loan.

Senator SMITH: If an Indian could measure up to these requirements, could he not walk into the bank and borrow the money?

Chief McHUGH: Definitely not. As long as he is a treaty Indian he cannot get money from the bank, because he has to put up chattels, which he does not own. As long as the land remains a reserve, it is not individually owned.

Senator SMITH: They do not own this machinery of which you are speaking?

Chief McHUGH: They own the machinery, but the reserve land itself is band property. When you go to a bank to borrow money, you have to put up chattels. You cannot tell them that you will pay in so many days or months; they will not accept that. They cannot go into the bank for a loan, when they are a treaty Indian.

Mr. WRATTEN: Is it the same on your reserve as on the Six Nations reserve, that you cannot be sued for debts?

Chief McHUGH: In some cases, on a finance deal, they can sue; they can seize the property which you own for it.

Mr. WRATTEN: I know you cannot sue an Indian on the Six Nations reserve for debts.

Senator MACDONALD: Not even his chattels?

Chief McHUGH: They cannot touch him any place in Canada. We are all under the same act. You cannot sue an Indian for anything, except the finance company has that privilege to seize that property which he bought through them. They can seize the property, but cannot touch anything else.

The VICE-CHAIRMAN: Are there any further questions on paragraph 9?

The JOINT CHAIRMAN (*Senator Gladstone*): They can repossess.

The VICE-CHAIRMAN: Ladies and gentlemen, it is just about 9 o'clock. What is your wish?

I assume you have completed questioning on this brief. I would like to take this opportunity of thanking Chief McHugh, Councillor Crowfoot and Councillor Solway for coming down and giving us their ideas. We appreciate it, and we can assure them that their suggestions will be given every consideration by this committee.

The delegation from the Blood band is here. What are your wishes in so far as they are concerned? Do you want to continue the meeting a little longer? We have sat now for two hours. Would you prefer to have a meeting tomorrow morning?

Senator MACDONALD: Tomorrow morning.

The JOINT CHAIRMAN (*Senator Gladstone*): Tomorrow morning.

Senator FERGUSON: I would rather finish it up tonight.

The VICE-CHAIRMAN: It will be tomorrow morning at 9.30, in the same room.

Senator FERGUSON: Can we not go on for a while tonight?

The VICE-CHAIRMAN: Well, it is entirely up to the members of the committee.

Senator MACDONALD: The point is: what is scheduled for tomorrow.

The VICE-CHAIRMAN: We have the Blood band brief here. The gentlemen are at the back of the room. I do not know how long it will take them to complete the brief. The house opens at 11 o'clock tomorrow morning, and we will only have one and a half hours at that time, from 9.30 until 11. Perhaps you would like to hold a meeting tomorrow afternoon. We want to hear these gentlemen who are here. We cannot force them to remain here over the week-end, and we will have to complete their brief some time between now and tomorrow night. However, it is up to the members of the committee as to what you wish to do.

Mr. THOMAS: I suggest we get started right away, and see after we get going how long we are going to stay with it.

The VICE-CHAIRMAN: Is that agreeable to the committee?

Agreed.

The VICE-CHAIRMAN: Thank you very much, Chief McHugh.

Chief MCHUGH: Mr. Chairman, could Councillor Crowfoot say a few words.

Councillor SOLWAY: Mr. Chairman, I came down here in order to accompany Councillor Crowfoot, as an interpreter. He never had any education. He is a great grandson of the great Chief Hope, and I will interpret for him.

Councillor JOE CROWFOOT (*Official Delegate, Blackfoot Band*) (*Interpretation*): When the government came up to the Blackfoot reserve and the first treaty was signed, Chief Crowfoot at the time had an interpreter. I have a photo of my grandfather, who signed the treaty with the government. I have a picture right here that shows where they signed the treaty, which was at Blackfoot crossing. They made an agreement between the Blackfoot tribe and various bands of Indians with the government. There were five tribes in that treaty. He is one of the leaders who signed the first treaty. He surrendered to the white people at the time free country, to come through Canada for the purpose of the government to aid the said Indian bands in a further worthy cause, provided the government put up schools for the children and provided welfare assistance and were responsible for health services. The promise is well marked, according to the oath they take, and still we see that in our own dominion of Canada, as long as the sun shines and the river flows.

Then the late chief Crowfoot told his band of Indians to throw away their arms, bows and arrows, tomahawks, or whatever they had for weapons, and he said to listen to the government in the future, and to live the way people should live.

With the present standards of education that our children have, they have just gone half way in educating them; but in future education for children we might hope that some of our children will be sitting here and maintaining our work.

We asked Colonel Jones at the time he paid a visit to our reserve, to help out our children in education in order to provide work for our children



when they are through with their schooling. He said that I am one of those who do not have any education, but as long as he is concerned, he is blind to education systems.

He says that he has children and that he is just pushing them right up in educating them, and that this has done them a lot of good. That is the reason he accompanied the chief. Thank you. That is all I have to say.

The VICE-CHAIRMAN: Thank you very much, Councillor Crowfoot.

Mr. KINDT: I would like to add a footnote to what Councillor Crowfoot said concerning the signing of that treaty. I wonder if you can visualize that open prairie on the reserve with the R.C.M.P. there, the Indians, the government officials, and so on? It was one of the most solemn occasions, I am told, and I have lived among the Indian tribes of western Canada.

And here tonight we have Chief Crowfoot himself, and he has one child who is a graduate nurse, and another child who is a secretary working in Calgary for an oil firm. I think this shows that these people, if given the opportunity, which they hoped for when they signed that treaty, will live up to and prosper and become the leading people in this great Dominion of Canada.

The VICE-CHAIRMAN: That is proving itself in many cases across Canada, I am sure.

I take it this completes the brief. Thank you again, gentlemen. We appreciate very much your coming down here.

Chief McHUGH: I would like to thank the committee for allowing us to be here.

The VICE-CHAIRMAN: Thank you, Chief McHugh.

Now, will the delegation of the Blood band please come forward.

On my immediate right is Chief Jim Shot on Both Sides; next to him is Jim Big Throat; next to him is Minor Chief Steven Fox, Jr; and next to him is Minor Chief Mike Oka.

Chief Shot on Both Sides would like to start off, and then the spokesman for the group, Jim Big Throat, will carry on after.

Chief SHOT ON BOTH SIDES: Mr. Chairman and hon. members of the joint committee, and staff of the Indian department: it has always been a problem with me to find the appropriate words for an occasion such as this. However, nothing can mar the feeling of gratitude and thankfulness on my part in your permitting our delegation to present our brief before this joint committee.

Once again the ears of the great white queen have been opened to us, even though her gracious Majesty is not here in person.

The future of the Indian people has been cast upon you, and I trust that with the help of the Creator you will do what is right.

Many moons ago your forefathers and mine took each other by the hand and entered into a treaty. It is the wish of my people that the promises in that treaty shall be strictly adhered to.

Members of the joint committee, you and I are here to review legislation which will affect the lives of thousands of Indians. Be wise in your deliberations. May the wise God guide you and bless you.

Now I think my spokesman, Jim Big Throat will read our brief.

The VICE-CHAIRMAN: That is very good, chief. Now, Jim Big Throat, will you please go ahead with the brief.

JIM BIG THROAT: Item 1 of our brief reads as follows:

1. We ask the government of Canada to extend to the Indians of Canada the same benefits that are extended to underdeveloped countries under the Colombo and UNESCO plans.

Item 2 reads as follows:

2. A composite high school with full senior matriculation and technical courses are required, and that facilities of both courses be extended to adults.

Item 3 reads as follows:

3. We ask that financial aid to be given to parents whose children attend day schools to provide adequate clothing and food.

Item 4 reads as follows:

4. We ask that in section 118, paragraph 1, of the Indian Act, that the word "persons" be defined as someone hired and paid for by the government.

5. We ask that financial assistance to Indian students attending white high schools to be liberalized to the point where failure to pass grades for any reason except mental ability will not jeopardize their chances of resuming grades.

6. We ask that section 2, paragraph O, be amended to define the word "reserve" with the same words as in the Indian Act of 1927. Section 2, paragraph J.

7. We request a reorganization of Indian affairs branch, we ask that the director of Indian affairs have the rank of deputy minister and shall have at least two assistant commissioners of whom one should be of Canadian of Indian descent.

8. We request that section 34, paragraph 1, be amended so that the clause "with the consent of the band council" be added after the word superintendent.

9. We ask that the words "to assist sick, disabled, aged or destitute Indians of the band", be omitted from section 66 paragraph 2 of the Indian Act.

10. We ask that the agency offices and buildings be place in a central location on the reserve.

The VICE-CHAIRMAN: Mr. Big Throat, would you like to make a further comment on No. 1 before the members of the committee ask questions.

JIM BIG THROAT: Under item 1, Canada is a member of the United Nations. All member countries of the United Nations have resolved to combine their efforts to accomplish certain aims and purposes to employ international machinery for the economic and social advancement of all peoples. By the word "peoples" we the Blood Indians conceive that it means an ethnic group, and the Blackfoot confederacy being an ethnic group we feel we have a moral claim to the benefits extended by the United Nations. Rhetorically speaking the Blood Indians are fit subjects for paternal care by the United Nations.

Mr. THOMAS: Mr. Chairman, I might make the comment that the Canadian government over the years has gone much further with the Blood reserve than have the Colombo or UNESCO Plans with any nation in the world. The Blood people have been given the same privileges and benefits which have come to all Canadians, and we are living in a country which is claimed to have the second highest standard of living in the world. I do not see what can be gained by bringing the Blood confederacy, as is proposed here, under the Colombo Plan unless they have some specific recommendation such as the building of a dam or the building of a factory or some other specific economic development in their community. I just do not see what they mean by this clause 1.

The VICE-CHAIRMAN: Are there any other questions, ladies and gentlemen.

Senator MACDONALD: I was just wondering if the spokesman is going to answer Mr. Thomas' question. If not, I would like to ask this question. Have they had prepared any plan for development on the Blood reserve?

JIM BIG THROAT: Yes, we have, senator. It really is not an outlined plan, but we have found out that the Blood reserve has been very undeveloped. We need an economic development plan on the Blood reserve, such as one to industrialize the Blood reserve, to promote employment for our people. We have not got sufficient funds to undertake this plan. Therefore we feel that as a group of people we should get assistance under the Colombo plan to develop our reservation, by way of irrigation and by industrialization. Without irrigation we cannot industrialize our reserve, although it has the potentials for industry; and we cannot do it without financial aid from the government.

Mr. THOMAS: Might we ask what industries Mr. Big Throat and the delegation have in mind—growing sugar beets, or some industry connected with agriculture, or canning factories?

JIM BIG THROAT: Yes, as I have said, we have a plan outlined. We feel that the surrounding area has industries that could be industrialized too on our reserve, such as canning factories; with irrigation we could have a sugar beet industry; and we could have a coal industry, a dairy creamery, and so forth. We have nothing at the present time but farming and ranching.

Senator MACDONALD: I would like to put on record this: what is the population of the Blood reserve?

JIM BIG THROAT: Approximately 3,000. To be sure, between 2,800 and 2,900.

Senator MACDONALD: About what is the extent of your acreage on that reserve?

JIM BIG THROAT: Approximately 360-odd thousand acres.

Senator MACDONALD: Is it all agricultural land, or have you sloughs, rivers and timber?

JIM BIG THROAT: It is all prairie land. It has rivers, but hardly any sloughs.

Senator MACDONALD: So you have lots of grazing land?

JIM BIG THROAT: Yes, lots of grazing land.

Senator MACDONALD: About how many families have you on that reserve that are what you would call fairly outstanding farmers?

JIM BIG THROAT: Do you mind, we work as a group?

The VICE-CHAIRMAN: That is perfectly all right.

Senator MACDONALD: I just want to establish the basis, so we can work along from that.

MINOR CHIEF OKA: At this moment we are not prepared to give exact figures of the outstanding farmers, but we have a number of people who are operating their own farms. We would have to go back to statistic figures, through our records in the office.

Senator MACDONALD: Your answer is good enough. I just wanted something we could start on.

Mr. STEFANSON: Approximately how many cattle have you on the reserve?

MINOR CHIEF OKA: I will start off with the band herd. We have roughly 1,600; and individually owned, I would say, roughly the same figure.

Senator MACDONALD: Mr. Chairman, you have heard me ask this question of the other delegation. Individual families, are they in the same category on the Blackfoot? They do not have cattle or milk cows to supply themselves with milk and food?

MINOR CHIEF OKA: Individual families on our reserve, it is quite understandable they are very indigent families, most of them.

The VICE-CHAIRMAN: Any further questions?

Senator SMITH: There is a lot of tenant farmers and ranchers on this reserve?

JIM BIG THROAT: Yes.

Senator SMITH: How much acreage have you rented out to tenant farmers that are grain farming and grazing?

JIM BIG THROAT: Approximately 38,000 acres under cultivation.

Senator SMITH: A goodly percentage of all your arable land?

JIM BIG THROAT: Yes, I would say that.

The JOINT CHAIRMAN (*Senator Gladstone*): No.

The VICE-CHAIRMAN: 38,000 of 360,000 would not be a very high percentage.

The JOINT CHAIRMAN (*Senator Gladstone*): 38,000 under lease, and probably 38,000 privately operated.

Mr. THOMAS: To whom would that be leased, to Indian or non-Indian?

JIM BIG THROAT: To non-Indians.

The VICE-CHAIRMAN: I understood you to say that of that 360,000 acres, most of it was arable.

Mr. THOMAS: That is good farm land.

The VICE-CHAIRMAN: That is good farm land, over 300,000 acres, at least?

Mr. KINDT: Yes.

The VICE-CHAIRMAN: Mr. Kindt says it is.

Mr. STEFANSON: He should know.

The VICE-CHAIRMAN: I assume there is very little waste land on this reservation?

Mr. THOMAS: That is over 100 acres per capita. That is 3,000 people and 300,000 acres.

Mr. GUNDLOCK: That is over 100 acres.

The VICE-CHAIRMAN: 100 acres per person.

Mr. THOMAS: All good land.

The VICE-CHAIRMAN: That is 100 acres per capita.

Mr. THOMAS: Mr. Chairman, may I ask the delegation: why is agriculture not being carried on in a prosperous way on the reserve now?

MINOR CHIEF OKA: It has always been a complicated problem, as far as agricultural farming is concerned. We have had difficulty with our people, and figures will show that it is not too prosperous on the reserve. Agricultural farming is not too prosperous for Indian farmers.

Mr. THOMAS: Is it good grain land?

MINOR CHIEF OKA: It is good grain land, but owing to the individual, who has not the proper equipment, it is not prosperous.

Senator MACDONALD: In other words, you have good land, but you have not the capital to work it; is that it?

MINOR CHIEF OKA: That is right.

Mr. THOMAS: Do you feel that if there were sufficient capital provided, the Blood Indians would farm this land and make a living for themselves in growing grain, or keeping cattle or hogs?

JIM BIG THROAT: Mr. Chairman, I would like to answer that question in my own way, to make things more understandable in this case. In the first place, we rented out this tract of land to build up funds. We did not have



the funds before that. Then it was such an area of rented land that it would be poor policy for the band to cancel this lease and to take over. We could not begin to handle such a size of farmland with the equipment we have, and we would only sink the funds that we promoted from this land back into it.

Therefore, we think that it is poor policy for us to take the land over and farm it ourselves, with poor equipment and without financial aid.

MR. THOMAS: What about the rest of the land? Supposing you leave that 38,000 acres leased to the present holders: what about the other 300,000 acres?

JIM BIG THROAT: Practically the rest of the land is all taken up, I might say, by settlers. We have settled the rest of the portion of these 360,000 odd acres. Some of it is under grazing lease.

MR. THOMAS: That is, members of your own tribe are around the other 300,000 acres?

JIM BIG THROAT: That is right, members of our own tribe.

MR. THOMAS: And can they not work this land, cultivate it; or do they not wish to?

JIM BIG THROAT: Up to the present time it has been proven that farming is not a very good business compared with ranching and other enterprises, or industries. It has been proven back on our reserve that we have been going further into debt by farming rather than ranching.

Senator MACDONALD: You mean, with wheat growing and hog raising?

JIM BIG THROAT: That is right—wheat growing, grain farming.

Senator MACDONALD: In other words, it is not profitable?

JIM BIG THROAT: No, it is not profitable.

Senator MACDONALD: That applies to us all.

JIM BIG THROAT: And it is not everybody who wants to farm.

The VICE-CHAIRMAN: Are there any further questions on No. 1?

Senator MACDONALD: Mr. Chairman, before we leave it, I would like to press another question. Have you many young men who would like to set up in farming but who have not the capital to start?

Minor Chief STEVEN FOX JR.: I would like to answer that question, Senator. There are a lot of young boys who are prepared to farm; but there are so many that we could not get them started all at once: it would take a lot of money to get them going. It takes a lot of money to begin farming.

Senator MACDONALD: You are not telling me anything; I am a farmer myself.

MR. KINDT: Mr. Chairman, I would like to ask Mr. Jim Big Throat if the question which I asked of the previous group, the Blackfoots, would not also, to a certain degree—probably a large degree—apply to the Blood band.

The Indian, by his very nature, likes to ride a saddle-horse; he prefers to herd cattle; he prefers that type of life, and due to his limited capital, the obsolescence of his machinery, he is not successful when it comes to farming?

JIM BIG THROAT: That is right.

MR. KINDT: That is the reason why, on the Blood Indian reserve, you have found it more profitable to lease 38,000 acres of land to a company there that is farming that land, growing wheat, and making quite a success? They are building granaries; they deliver the grain—the share that belongs to the Indian—to the elevator, and the revenue obtained from that has been greater operated in that way, than if the Indian operated the land himself?

JIM BIG THROAT: That is right.

Mr. KINDT: You do find, though, that since you have 360,000 acres of land, every inch of which can be grazed—and probably 320,000 acres, I would say, could be cultivated—you have an abundance of grass; you spend a lot of your time putting up tons and tons of hay, which you sell to the public; is that not true?

JIM BIG THROAT: Yes.

Mr. KINDT: That is one of your chief sources of revenue. Then running your cattle, caring for your cattle, and putting up sufficient wild hay to take them through the winter—that is part of your pattern of operation?

JIM BIG THROAT: That is right.

Mr. KINDT: Would you think that—in line with that—your reserve could carry more than the 3,200 head of cattle which are now on there, by growing supplementary feed to take them through the winter, and by finishing and fattening them?

JIM BIG THROAT: I certainly think so.

Mr. KINDT: Is it your thought that that is the type of action and progress that you would like to get into?

JIM BIG THROAT: Yes, this is part of the program that we are planning on. In fact, it is one of the chief things we would like to do.

Mr. KINDT: This is the corner stone of your successful operation, is that right?

JIM BIG THROAT: That is right.

Mr. WRATTEN: Mr. Chairman, Chief Big Throat speaks about the industrialization of the reserve. There are only 2,800 people on this reserve. Where would the commodities that they manufactured be marketed? Where would the dairy products and things like that be sold? Where would the market be for the sale of these products?

Mr. KINDT: This market would be anywhere it could be found.

Mr. WRATTEN: I am trying to figure out where that market would be for the cannery products, the dairy products and the products manufactured by the proposed industries that they want to put on the reserve. Where will the market be? They could perhaps manufacture many things but they will need a market to sell them. Where is that market going to be?

Mr. HENDERSON: The markets will be found in the same places that the other markets are found.

Mr. GUNDLOCK: I was going to say something, but I guess I should wait.

The VICE-CHAIRMAN: You may proceed Mr. Gundlock.

Mr. GUNDLOCK: This reserve is located just across the river from the city of Lethbridge. In the city of Lethbridge is located the largest canning process for beans and peas and that sort of thing in Canada.

Mr. KINDT: Is that the type of goods these people want to process?

Mr. GUNDLOCK: Those are crops that they could grow.

The VICE-CHAIRMAN: Gentlemen, these private conversations cannot be taken down by the boys here.

Mr. GUNDLOCK: I am sorry, Mr. Chairman, I was merely stating that one of the largest processing plants for fresh vegetables is located in Lethbridge. I think they have seen that example of what can be done with that type of crop.

While I am speaking, Mr. Chairman, if I may continue I would like to say that I believe Mr. Kindt is probably putting words in the committee's mouth because, surely when he says that they are leaning towards a life of riding saddle horses and one thing and another, that is not industrialization.

The VICE-CHAIRMAN: That is not very consistent.

Mr. GUNDLOCK: I think we should establish that because, if you want to industrialize and grow a special crop, we must get them out of the saddle.

Mr. WRATTEN: That is the point I was trying to raise earlier, Mr. Chairman. They cannot all ride cattle.

Some Hon. MEMBER: Did you say ride cattle? Do you mean horses?

Mr. WRATTEN: They cannot all herd cattle. What I was trying to find out is: if they go into this processing and growing of vegetables where will they find the market to sell the proceeds. It is one thing to grow these crops and another thing to market them. Mr. Gundlock has said there is a plant in Lethbridge processing these goods now.

Mr. GUNDLOCK: You eat their frozen peas here in the restaurant.

JIM BIG THROAT: The Alberta canning factory itself sells its products.

Mr. WRATTEN: They must be selling the products down here in Ontario because our canning plants here are closing up.

JIM BIG THROAT: If we had a canning factory would we be barred from marketing our products?

Mr. WRATTEN: No, you could market them the same as others are doing.

The VICE-CHAIRMAN: They could market them here in Ontario.

JIM BIG THROAT: To conclude what I said about dairying, I would like to say that we have a white neighbour at home just a little ways from the reserve who has lived in Alberta for four years now. He is an immigrant from Holland. He started dairying and he has a ready market for his milk. The Purity Dairy in Lethbridge drives out to his farm with a big truck carrying a huge tank on the back which must hold about 1,000 gallons of milk. The driver drives right into this neighbour's yard up to the milk house. He has got a machine there which costs about \$2,800 for cooling milk. The milk can stay in that machine for at least three or four days and perhaps longer without spoiling. This driver comes in and siphons the milk right into his tank and drives away. Our neighbour milks 26 cows and he makes \$900 a month on milk alone. This is the kind of thing we mean by industrialization, but we cannot do it without irrigation and without raising the different types of feed for the milk cows. That is just one example. This man's neighbour has been in Alberta for six years. He lives just a little distance further on. This man milks 110 cows and makes \$4,500 a month on milk alone without having to separate the cream and without having to sell the milk or the cream. This outfit comes along and siphons this milk out every other day into the truck.

That is the type of industrialization that we would like to have our young people work into. Most of the young generation do not have an interest in farming, particularly the ones who are attempting to gain a higher grade in school. They have no interest whatsoever in farming. I am speaking now of actually raising grain.

Mr. GUNDLOCK: You are referring to grain farming, not specialized farming?

JIM BIG THROAT: I refer to grain farming.

Mr. GUNDLOCK: They are interested in the special ways of farming?

JIM BIG THROAT: They are interested in this specialized farming on a small scale.

Mr. GUNDLOCK: If I may, Mr. Chairman, there is a point I would like to establish and, since the matter of irrigation has been mentioned, I think probably Mr. Brown might clear this up.

Is there not some agreement with P.F.R.A. or the Blood band, in regard to a certain number of acres? I may have this wrong, but I understood it has to be developed within so many years, or it will pass away. I would like to have that clearly on the record.

The VICE-CHAIRMAN: Mr. Battle will answer your question.

Mr. BATTLE: I will try to explain it as clearly as I can.

When the Blood band made available the right of way to put a canal across their reserve, in addition to the compensation which was paid them, they were assured that they would have the water rights to cover 2,000 acres of irrigation near the canal; and also that they would have the right within a ten-year period to have sufficient water to irrigate—and I think it was 25,000 acres, on another part of the reserve. So far as I understand it, that right still exists.

The thing that we have been trying to get established is that the ten-year period would begin from the time that water became available. As I understand it, water is not yet available.

Mr. GUNDLOCK: You say the water is not available, but when it becomes available, ten years from now you have to develop it. Is that the answer?

Mr. BATTLE: Yes.

Mr. GUNDLOCK: Why the ten years?

Mr. BATTLE: Actually, as I understand it, the province would not assure or guarantee the band water rights beyond a ten-year period.

Mr. GUNDLOCK: Unless it is developed.

Mr. BATTLE: Yes. Development must start some time within that ten-year period after water becomes available.

The VICE-CHAIRMAN: On the whole 25,000 acres?

Mr. BATTLE: Yes.

The JOINT CHAIRMAN (*Senator Gladstone*): Do you know what period that is?

Mr. BATTLE: There is a ten-year period laid down. I am not sure what the exact dates are, senator.

The VICE-CHAIRMAN: During the time water is available.

Mr. BATTLE: That is what we are trying to get established now. The ten-year period has been established, but we are trying to get the provincial government to have the starting date of that period begin with the time water becomes available.

Mr. GUNDLOCK: You are trying to, but it is not a fact.

Mr. BATTLE: No.

Mr. GUNDLOCK: In other words, the years are ticking off now, before the water is there?

The JOINT CHAIRMAN (*Senator Gladstone*): Water is available now, but we have not—

Senator MACDONALD: Harnessed it.

The JOINT CHAIRMAN (*Senator Gladstone*): —developed anything yet.

Mr. BATTLE: Water may be available now, but the last I heard, it was not.

Mr. GUNDLOCK: Probably one of the delegates could clear that up. Is the water available?

Minor Chief MIKE OKA: No—just from the back fills. That is what goes into the irrigation.

Mr. GUNDLOCK: What is going to make it available, the completion of the Waterton dam or the Belly river?



The JOINT CHAIRMAN (*Senator Gladstone*): This deal was made at the opening of the dam—before we had any negotiations on the canal—that is taking the water from the other river to it. This was made at the opening of the St. Mary's dam. This agreement was to the effect that water would be available for the chief, for whatever use he wanted it put to, for his people.

Mr. GUNDLOCK: How many years of that ten are now gone?

The JOINT CHAIRMAN (*Senator Gladstone*): It must be pretty close to 10 years.

Mr. BATTLE: I think there would be about two or three years; I think 1966 is the final date.

Mr. GUNDLOCK: Only two or three years left?

Mr. BATTLE: 1966 is the final date.

Mr. GUNDLOCK: It sounds to me like another one of those ammunition deals.

Mr. KINDT: May I ask who signed that on behalf of the Indians?

Mr. BATTLE: I cannot answer your question, without referring to the record.

Mr. KINDT: A supplementary question. It seems to me that somebody has slipped, and I certainly would be one who would recommend that this matter be pressed immediately in order to get a clarification because, if that time is ticking off, as the member from Lethbridge has said, and we are to run out in another year or so, I can quite well understand the feeling on the part of the Indians who are here giving evidence of the urgency of doing something with respect to irrigation. That is just elementary, and it all stems from the fact that there is no clarification. I say that that is an awful situation to allow to exist, on the part of this government.

I would strongly recommend that you get a clarification from the Alberta government that the time that this thing starts is the time when the water runs in that ditch; and if it is before that time, certainly something should be done to get the matter changed immediately. Surely, the Alberta government being another level of government, would be in accordance with that type of thinking.

Mr. WRATTEN: How are these folks supposed to get their water to irrigate the land, when it comes down in the ditch? Is there some mechanical means provided to get the water up on to the land, or what are they going to do in that connection?

Mr. GUNDLOCK: I am still not clear. Mr. Battle said this agreement was with the province, but I understood it was with P.F.R.A., and that would be federal.

The VICE-CHAIRMAN: Who is going to pay for this?

The JOINT CHAIRMAN (*Senator Gladstone*): I will say this, having been the one who sold the idea to the Indian affairs department, when I was here in 1947. On returning back to my reserve in 1948, the Indians by petition welcomed the idea of leasing this big tract of land in order to get revenue.

Our band funds were so depleted that we had to do something to raise some money from our own resources, and that was how this big farm started.

Before this was let out for bidders a survey was made as to irrigation possibilities; and after it was surveyed this tract of land was let out to the farmers who bid the highest bonus, and this dam was completed. When the St. Mary's dam was completed, the Minister of Agriculture at that time, Mr. Gardiner, was present, and there was quite a celebration at the opening.

Our chief, the father of my friend here, Jim Shot on Both Sides, asked the minister to reserve enough water for the use of his people on the reserve, and this Mr. Gardiner gladly assured him that he would get. And on the strength of that, later on we were given the assurance that there would be water available for the reserve to irrigate around 20,000 acres.

Mr. GUNDLOCK: Was that under the P.F.R.A.?

The JOINT CHAIRMAN (*Senator Gladstone*): That is right, and Mr. Gardiner was the man we talked to.

Mr. GUNDLOCK: Does that check with you? Is the agreement now actually under the P.F.R.A. or under the province?

Mr. BATTLE: My understanding is that water rights come under the province.

Mr. GUNDLOCK: My understanding is that P.F.R.A. stores them, but the actual reservation of the water must lie with the P.F.R.A. The point I want to establish quite strongly with the committee is that four years have gone by, and this delegation is here talking about aid to develop that thing; yet the water is not even there.

It looks like a very ambiguous agreement, and I certainly believe it is; and the federal government must be able to do something about it. But if it is with the province, we still must do something about it.

The JOINT CHAIRMAN (*Senator Gladstone*): I have tried for the last two years since I have been down here to do something about it, but so far I have not got anywhere.

Mr. GUNDLOCK: I can readily see that because we do not even know where to start. I wonder if the department could bring that evidence here and straighten the question out.

The VICE-CHAIRMAN: Mr. Brown says they will check the departmental records to see what they can find out about it.

Mr. GUNDLOCK: I hope it is not like some of those other things that they have been looking for.

The VICE-CHAIRMAN: Might I ask who was going to pump this water out of the ditch onto your land? Mr. Battle said that the users would have to do it.

Mr. BATTLE: Well, the development of the water and bringing to the place where it is to be used is to be at the expense of the people who will be using that water.

Mr. THOMAS: Might I ask how this fund is coming along which you are saving up from the rentals of these 38,000 acres? How much has now been accumulated and will be available for use in developing this irrigation?

JIM BIG THROAT: At the present time we have been using up our fund quite heavily in the way of housing schemes, and trying to start up new ranchers, and a few younger people who are interested in farming.

As I have said before, younger people do not seem to take much interest in farming, but it is knocking a big hole in our band funds just to be able to build adequate homes for our people. A big sum of money is being appropriated for new homes every year for the past ten years, I might say; and in fact last year there were practically 80 homes built: but we will have to cut down, because our fund is becoming depleted, in spite of the revenue that is coming in from agricultural and other leases. We have had to cut down on the building project; we had to cut it down by one-half last year.

Mr. THOMAS: Do you lease pasture land also on the same basis to non-Indians?

JIM BIG THROAT: Yes, we do.

Mr. WRATTEN: What means are there to replenish this fund? Where do they get their money from other than from the lease of this 38,000 acres? Do you have any oil or gas, or anything like that?

JIM BIG THROAT: We do not have any oil in production, but there are certain service leases from oil companies which help to build up our fund, along with the agricultural lease; but that does not take place every month of the year.

Once in a while we may happen to come across oil men, prospecting for oil, and we enter into service leases with them.

Mr. THOMAS: Is it safe to say that you have no funds available that you can use to develop irrigation?

JIM BIG THROAT: No. We feel that if we were to begin to invest our funds in this development plan we would not be able to build a bridge a mile long before we would go flat broke. We have to try to preserve this fund for our younger generation the same as we have benefitted by it at the present time. We feel that we do not have sufficient funds for what we are aiming at, which is a development plan on the reserve.

The VICE-CHAIRMAN: Well, ladies and gentlemen, it is now 10 o'clock.

Mr. GUNDLOCK: Mr. Chairman, I would like to ask formally that we have the irrigation agreement brought before this committee.

The VICE-CHAIRMAN: Mr. Brown says he will bring it.

It is now 10 o'clock. I think you will agree with me it is time to adjourn.

Before we do, let me say we will meet tomorrow morning in this room at 9:30. Is that agreeable?

Agreed.

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FRIDAY, June 10, 1960

The VICE-CHAIRMAN: Ladies and gentlemen, may we get started right away. We have until 11:00 o'clock, but I assure you that even though the members do not ask as many questions as you may think they should, it is because we have been over these problems many, many times, as a rule, and they are in the report. So if we do not ask the number of questions which you think the brief warrants, that is the reason for it.

Were we finished with item 1, or are there any more questions on item 1?

Mr. STEFANSON: I think we had finished with item 1.

The VICE-CHAIRMAN: All right, let us proceed to item 2, "A composite high school".

JIM BIG THROAT: Excuse me, but might I say a word further with respect to item 1, to make our position understandable to the committee?

The VICE-CHAIRMAN: You want to say something further on item 1?

JIM BIG THROAT: Yes.

The VICE-CHAIRMAN: All right.

JIM BIG THROAT: At the present time, as I have said, there are approximately 360,000 odd acres on our reservation, and according to the population which numbers approximately 3,000, we are trying to plan ahead. For instance, we went through your streets here in Ottawa and we saw your six-year plan for Ottawa. It reminded us that we have a plan something similar, although it would not be to that span.

A question has been asked about ranching, and how to have successful ranching on our reserve. I would like to turn this subject matter over to Mr. Steven Fox for some explanation of ranching.

The VICE-CHAIRMAN: Mr. Fox, if you please.

Minor Chief STEVEN FOX: Mr. Chairman, what I have in mind—and I am just coming down with figures—as has been mentioned previously, you can well be aware that there has been experience like that with cattle raising which requires from at least 25 to 30 acres per cow on the reserve; so, coming

down to these figures, in order to be a successful rancher even in a small way, the rancher would at least have to have 100 head of cattle to be called a successful rancher. So, in that way he would require so many acres on which to put his 100 head of cows.

The VICE-CHAIRMAN: 2,500 acres?

JIM BIG THROAT: Yes; he would have to have at least a half section before he could be called a successful farmer, or would be able to make a little out of farming.

With less than that amount of acreage he could hardly make a profit out of farming. So, by developing our reserve as we have mentioned, with irrigation, it will take less acreage for a rancher to farm, and to make more than he can with the way it is at the present time. That is what I would like to clarify.

Mr. STEFANSON: Did I hear the witness say that it would take 30 acres per cow?

JIM BIG THROAT: Approximately 25 to 30 acres per head.

Mr. STEFANSON: Therefore a whole section of land could only maintain approximately 25 cows.

JIM BIG THROAT: That is right.

Mr. STEFANSON: To me that would indicate that the land is not very good.

JIM BIG THROAT: That is the amount of acres figured for the year round.

Mr. STEFANSON: I realize that; but if it takes that much land per animal, it certainly would not be what we could call good land.

The VICE-CHAIRMAN: Not good grazing land.

Mr. STEFANSON: No.

The VICE-CHAIRMAN: I think Mr. Battle has an answer to the irrigation ditch problem which came up last night, and he would like to give to the committee now.

Mr. R. F. BATTLE (*Chief, Economic Development Division, Indian Affairs Branch, Department of Citizenship and Immigration*): Mr. Chairman, we were asked to supply the documents in connection with this irrigation program. Here is the surrender document. It is signed by the chief and councillors, and it sets out the terms of the agreement. And along with this are two letters from the hon. Mr. Halmrast, minister of agriculture in Alberta, in which he mentioned the basis on which the water rights will be held available.

The VICE-CHAIRMAN: Might we have them tabled?

Mr. BATTLE: That is right.

The VICE-CHAIRMAN: This is the whole agreement?

Mr. BATTLE: That is correct, the surrender agreement.

The VICE-CHAIRMAN: These will go into the record as an appendix thereto.

(See Appendix L-1)

Are there any further questions on item 1? If not, let us proceed to item 2.

Mr. WRATTEN: Has Mr. Fox anything more to say on item 1?

The VICE-CHAIRMAN: I presumed that Mr. Fox was finished.

JIM BIG THROAT: May I carry on with item 1?

The VICE-CHAIRMAN: You wish to carry on with item 1?

JIM BIG THROAT: Yes.



The VICE-CHAIRMAN: All right.

JIM BIG THROAT: According to what Mr. Fox has told the committee, the amount of acres it requires to raise a range, then accordingly, under the Colombo plan, as it says in the brief, the reason we would like to have a development plan on our reserve is that the population is increasing, and this would force us to cut down to a minimum, the acres per family; therefore it would require a well-developed plan in order to be able to survive even on a small scale.

Within the near future we can say that we will have to cut down to small acreage on farms and ranches, and in order to be able to have a successful farm or ranch, we will have to have irrigation in that capacity. Therefore we request that something should be done within the very near future about irrigation and a development plan on our reserve.

The VICE-CHAIRMAN: I understood last night that the cost of the machinery to take care of this water coming from reserves was to be borne out of band funds. Therefore I think the committee would be interested to know what amount of money you have in your band fund, and what your revenue is from this band fund, or what your budget is per year, for instance. I think the committee would be very interested to know that, if you could give it to us.

JIM BIG THROAT: We have at the present time approximately \$800,000 in our capital fund.

The VICE-CHAIRMAN: You mean in the trust fund.

JIM BIG THROAT: That is right; and the revenue is approximately \$800,000.

The VICE-CHAIRMAN: From the trust fund the revenue is \$800,000?

JIM BIG THROAT: Approximately, and the total expenditure from revenue is \$802,486 every year.

The VICE-CHAIRMAN: That is your annual budget?

JIM BIG THROAT: That is right.

The VICE-CHAIRMAN: It is \$802,486?

JIM BIG THROAT: That is right; that is the total expenditure for the year. Therefore, according to these figures, we feel that we are unable to afford to undertake the responsibility of putting in or building up irrigation on our reserve with our fund.

We shall have to cut this expenditure practically right out in order to be able to bear the responsibility of the irrigation plan.

Mr. WRATTEN: What would that \$800,000 in your trust fund be invested in?

The VICE-CHAIRMAN: It is held by the government.

Colonel H. M. JONES (*Director of Indian Affairs, Department of Citizenship and Immigration*): Yes, the government pays 5 per cent interest annually on the Indian trust fund, and it is credited to the revenue account.

The VICE-CHAIRMAN: There must be a considerable amount of revenue besides interest.

Mr. WRATTEN: Where does the rest of the revenue come from?

Mr. JONES: \$509,000 comes from rentals, and \$225,000, a quarter of a million dollars, comes from collections from band debts; and \$82,150 is government interest.

I am reading from their budget.

Mr. WRATTEN: I was trying to figure this out. They told us that there are approximately 2,800 or 2,900 people on the reserve. That would include men, women and children.

JIM BIG THROAT: That is right.

Mr. WRATTEN: And you have a budget of \$800,000; that is a lot of money each year for that number of people.

The VICE-CHAIRMAN: It works out to \$250 apiece, man, woman and child.

Mr. WRATTEN: Yes, and a little more; but did you not tell us last year that they were spending a lot of money on housing?

The VICE-CHAIRMAN: 80 houses were built last year.

Mr. WRATTEN: Putting up new homes for them is a right and proper thing, so that they may have decent places in which to live. Do they propose to pay back for their homes into the band fund, or are the homes being put up and given to the members, or what?

JIM BIG THROAT: They are on a repayment plan.

Mr. WRATTEN: They will be paying back the money into the band fund?

JIM BIG THROAT: Not all; a percentage of this will be a complete loss to the band, because of the destitute and disabled. The loans for the housing program are costing us \$180,000 this year, and as I said yesterday, this year the building program was cut right in half. There are a lot of other expenses besides this building program. We have been carrying out relief to the disabled, the indigent, the blind, and the sick, and that requires a lot of money.

Mr. WRATTEN: Approximately how many of your men are working, let us say, in the city of Lethbridge, which is quite close to your reserve? Are there quite a few who go in to work there?

JIM BIG THROAT: There are about two or three at the present time who work as labourers, I would say.

Mr. STEFANSON: What about those who are not farming? Where do they mainly find employment?

JIM BIG THROAT: This building program which is already there to a certain extent employs quite a few who are taking up the trade of carpentry at home and who are working under the supervision of a qualified carpenter; and this qualified carpenter is managing the building operation with Indian crews.

Mr. STEFANSON: Do they work right on your reserve on these houses?

JIM BIG THROAT: That is right; and then some of us farmers hire our own boys for a length of time in the busiest season; that is how employment is carried on on our reserve for the non-farmers, for the labouring class.

Mr. WRATTEN: I think what Mr. Stefanson is trying to get at is this: you said that only two or three men are working in Lethbridge; and you said last night there were about 100 farmers. Did you not tell us that?

Minor Chief Fox: I would say there are about 300 farmers, but that does not mean that they are progressive farmers. Out of that 300 there might be 50 who could be called genuine farmers.

Mr. WRATTEN: Then what do the others do? How do they live?

JIM BIG THROAT: Most of the boys—most of the working class go out to the surrounding farmers, to the outside white farmers, the farmers around our reserve.

Mr. STEFANSON: Some of them would work in the sugar beet fields for farmers who grow sugar beets, would they not?

JIM BIG THROAT: That is right; and what helps them to survive throughout the winter months is the interest payment from our revenue, the interest on our capital fund, and it is paid at the rate of \$10 per month for four or five months per year—or rather six months of the year.

The VICE-CHAIRMAN: Is that amount paid to everybody?

JIM BIG THROAT: That is right.

The VICE-CHAIRMAN: It is paid to everybody on the reserve regardless of his financial status? \$8 per head?

JIM BIG THROAT: \$10 per head.

The VICE-CHAIRMAN: That is for every man, woman and child?

JIM BIG THROAT: That is right.

The VICE-CHAIRMAN: Ladies and gentlemen, can we continue to No. 2 now?

JIM BIG THROAT: Excuse me, Mr. Chairman; I will finish on that with just a few words.

The VICE-CHAIRMAN: Very well.

JIM BIG THROAT: According to this payment of \$10 per head, it usually takes about \$90,000 per month—\$225,000 for the six months. That knocks a big hole in our band funds.

The VICE-CHAIRMAN: No; even counting your population at 3,000, \$10 a month would only be \$30,000 a month: for six months it would be \$180,000.

JIM BIG THROAT: What brought it up to these figures was that in December, just before Christmas, we have a payment of \$20.

The VICE-CHAIRMAN: An extra payment just before Christmas?

JIM BIG THROAT: Yes.

MINOR CHIEF MIKE OKA: May I explain it a little further, Mr. Chairman?

The VICE-CHAIRMAN: Certainly.

Minor Chief OKA: The figures show that the time we started distributing the money was from December until March; and April and May is not included, because it is a new fiscal year.

The VICE-CHAIRMAN: Yes. Are there any questions on No. 2: or do you wish to make a further statement on No. 2 before we ask questions?

JIM BIG THROAT: That is one instance where we would like to have some assistance from the government on our proposed development plan. According to the way our expenditures stand, we feel that we cannot take on the burden of this amount, the financial part of the irrigation; and without doing so, according to the documents, in time we will lose the water rights from the canal.

The VICE-CHAIRMAN: This is still on No. 1?

JIM BIG THROAT: That is right. That is the last of it, Mr. Chairman.

The VICE-CHAIRMAN: Do you want to make a further statement on No. 2 before we start the questioning, Mr. Big Throat—regarding the composite high school?

JIM BIG THROAT: Yes, Mr. Chairman. Schooling is a debt to the Blood Indians. By treaty they were promised that teachers would be sent to them. Therefore, nothing can dwarf the idea of wanting a high school on the reserve. Schooling was promised to the Indians, with no limit, and they are entitled to the best. Education for the Indian people is a definite responsibility of the state. We base this assumption on two different factors.

The first is, the Indians have a right to education, by treaty promises. The ultimate aim of the government is to absorb the Indians into the Canadian nation. It is the government's idea, not the Indians'. As their way of life differs from ours, a process of transition would have to take place. This can either be a natural, or an artificial process. Since it is the desire of the government to integrate the Indians, then it must assist in the transition.

The second is, that under the constitution, education is a responsibility of the federal government. By treaty, the Indians have a right to it.

We therefore base our request to have a composite type of school on our reserve, on the preceding mentioned grounds.

The VICE-CHAIRMAN: Ladies and gentlemen, are there any questions on No. 2?

Mr. WRATTEN: What schools do they have on the reserve now, Mr. Chairman?

The VICE-CHAIRMAN: I will let Mr. Big Throat answer that.

JIM BIG THROAT: You mean, what type of schools?

The VICE-CHAIRMAN: Yes, what type of school, and how many schools?

JIM BIG THROAT: On the Blood reserve, we have two residential schools, and two day schools at Stand Off.

Mr. WRATTEN: You have no high school at all now?

JIM BIG THROAT: We have no high school at the present time.

Mr. WRATTEN: Where do your pupils go for high school education?

JIM BIG THROAT: To the public schools, the white schools.

Mr. WRATTEN: In Lethbridge?

JIM BIG THROAT: In the surrounding cities and towns of our reserve.

Mr. WRATTEN: Do you not feel they are getting a good education that way?

JIM BIG THROAT: As far as education is concerned, they are getting the education in these particular places, in Calgary, Edmonton, and the surrounding areas, in the white schools. But there is a problem to that.

On our reserve we have, to begin with, approximately 1,000 students this year who are ready to be admitted into schools. Therefore, it is a problem to place these children that are ready for high school, for higher education, in the cities. It is the biggest problem we have, for various reasons.

In this regard, just the very bright pupils are given the chance to take up the openings in these high schools. The other students, who are just as bright but who are a little behind the brightest ones, have no chance whatever. They just have to quit school right now, or stay in school just waiting for another year for a chance to be admitted—to find a place. Our biggest problem is being able to place them.

Mr. WRATTEN: Is it accommodation in the white schools that is the problem—there is no room; is that what you mean?

JIM BIG THROAT: Yes.

Mr. WRATTEN: I am just asking for information. The only reason I ask this is that the Six Nations, which is right close to my home city, Brantford, have found—and I think Colonel Jones will confirm this—that with the pupils coming from the reserve into the collegiates and vocational schools at Brantford, there is a much better feeling between the two peoples and there is a very different atmosphere, with the youngsters coming into the schools in Brantford and being educated there. And they are getting the best of education.

I wonder if some way could not be worked out whereby your pupils could go to the white schools, even if the federal government had to come in and help put an addition on to the schools. It brings the pupils together more and, as you say, it integrates them into Canadian life more.

That was my thought behind it. I think the chairman will agree with me, because he knows the situation too. It has worked very well in Brantford, with the pupils on the reserve coming into the vocational schools and collegiates.

JIM BIG THROAT: It may be so in Brantford; but back in Alberta it is a problem, otherwise we never would have presented it before the committee.



I can give some instances on that, and proof. For instance, we have a student back home. He was a student, but he is not any more, on account of that. He was a very promising student. In fact, Mr. Fox here is related to this young student: it is his nephew.

There were two reasons why he could not keep on going to school. Under this particular brief, one reason is there. He was delayed in trying to be placed. It took a long time. They finally placed him; but he was delayed. He entered the university of British Columbia. He only stayed a few days. He had to have standing room; for a couple of days he sat on a window sill, it was so crowded. He was entered already, but on account of the delay he was pushed to that.

He had to come back home, and he is on a tractor today. He was forced to go back to labouring, after he spent all those years trying to get somewhere where his education would give him a good, substantial livelihood.

That is one reason; one instance. Last fall, from July—it might have been a little later; but from July I went in to see that my daughter was placed. We worked on it, with the help of the principal of the school on the reserve, and yet she lost three weeks before she could start school. The rest of the pupils were advanced three weeks already in classes in school before we found a place for her. That is one of the biggest problems that we have on the Blood reserve. That is one reason for that.

The other reason why we are asking for a high school right on the reserve is that, according to the population of our reserve at the present time—and no doubt it will double up as the years go by—within five or six years no doubt there will be 1,500 students, according to the increase of the population of our reserve. Therefore, the problem will grow bigger and stronger, to find places for these students.

Mr. WRATTEN: How many of those would be high school students? How many high school students do you have now?

JIM BIG THROAT: According to the figures, last year there were pretty well, in one place, between 35 and 40 ready for high school. Excuse me; that is just from one school, practically.

Mr. WRATTEN: That is, just finishing their public school education and ready to go to high school?

JIM BIG THROAT: That is right, and that is from the residential school. One residential school at the present time accommodates approximately 600 pupils. That is both day classes and others.

Mr. WRATTEN: Six hundred at one school?

JIM BIG THROAT: That is right.

The VICE-CHAIRMAN: And there are four schools?

JIM BIG THROAT: That is right.

The VICE-CHAIRMAN: How many are going altogether?

JIM BIG THROAT: Between 800 and 900 are attending school at the present time. There are some that are going outside, to Cardston and the neighbouring towns.

The VICE-CHAIRMAN: That is primary and secondary schools?

JIM BIG THROAT: That is right.

Mr. HENDERSON: There are no good schools that are so large. We have a lot of high schools in Dawson Creek, and if you get over 400, it gets into the factory stage; the pupils do not know their teachers, and the teachers do not know the pupils.

The VICE-CHAIRMAN: On the other hand, though, Mr. Henderson, too small a school is no good either.

Mr. HENDERSON: The smart students are coming out of the smaller schools.

The VICE-CHAIRMAN: Secondary schools.

Mr. HENDERSON: Yes.

The VICE-CHAIRMAN: We have had to close one in our locality.

Mr. GUNDLOCK: I was just wondering, Mr. Chairman, whether the department has some views on school attendance.

Mr. H. M. JONES (*Director of Indian Affairs, Department of Citizenship and Immigration*): I have the population figures here of the Blood band. Under six years of age, 363 male and 375 female; that is 738: and 780 of school age, six and under 16. They are the latest figures that we have.

Mr. GUNDLOCK: Do you have any figures on school attendance?

Mr. JONES: Do you mean performance, or—

Mr. GUNDLOCK: No, actual attendance.

The VICE CHAIRMAN: You assume that all these children between six and 16 are going to school?

Mr. JONES: Yes. Under the act the age may be reduced to six years for compulsory attendance.

Mr. GUNDLOCK: It is 15; but all those are not going to school. Those figures are 16.

Mr. JONES: The act provides to 16.

Mr. GUNDLOCK: It is 15, under the School Act. Are you talking about the School Act, or the Indian Act?

Mr. JONES: The Indian Act.

Mr. GUNDLOCK: You do not have figures for attendance at various places—how many are going to this school, that school, or the other school?

Mr. JONES: No; but we could provide that information. We must assume that unless they are sick, they are attending, if there are facilities available.

Mr. WRATTEN: Mr. Chairman, may I ask Colonel Jones a question?

The VICE-CHAIRMAN: Yes, certainly.

Mr. WRATTEN: Colonel Jones, has the council made any representations to the department about a high school: and if they have, what is the department's attitude towards the request?

Mr. JONES: The department's attitude, Mr. Chairman, in general, is not to build high schools on Indian reserves, for two reasons. One is, that we still have a fair sized backlog of accommodation for the junior grades throughout Canada. In spite of an accelerated building program over the past few years, there are still some places in Canada where we cannot provide accommodation for the primary grades.

We have felt that until such time as we can satisfy ourselves that every Indian child has accommodation made available to him, they should have the first consideration.

Secondly, we feel that wherever possible, Indian children who go to high schools off reserves are going to get a better education than if we start to go into a gigantic scheme of a high school on every reserve. There is a certain limit to the capital cost in relation to the pupilage; and I think, as the chairman just mentioned, too small an enrolment is not a good institution, and it is very expensive. So we have not embarked on any program of building high schools on reserves. We prefer to make arrangements to educate the children and, where necessary, pay the tuition and board off reserves, with them mingling with non-Indian children.

Mr. WRATTEN: Has any thought been given to putting buses on this reserve and also making accommodation available at the local high school so that these children would have a high school education.

Mr. JONES: At the present time there are in the neighbourhood of 120 Indian children of the Blood reserve attending the provincial school at Cardston alone.

Mr. WRATTEN: I quite agree with your attitude that it is not economical to build small high schools. That was proven yesterday in the case of St. George where the parents were not satisfied with the kind of education the children were receiving. They get much better education in the larger high schools. I am wondering if provision could be made for these pupils to go to the larger high schools where they would have better facilities. Mr. Big Throat said they are having difficulty in getting their own children in. He gave the example of his daughter being three weeks behind because she was not placed.

Mr. JONES: If extra accommodation is needed we will pay our capital share. There are many areas like that where local boards are enlarging the accommodation for their own purposes or for our purposes. If it is for our purpose we pay 100 per cent of the capital cost. One of the difficulties in a program of this kind is accommodation off the Indian reserves for the children. The need for hostels has been raised. I think that interested organizations could help more in cases like this. I believe more non-Indian homes could be thrown open if the people really understood the matter. In this way they could make a great contribution in this field. I just mentioned that because, in order for the student to have an education, you have to have some place for him to live if his home is at a point beyond a reasonable bus distance. That has been a problem. We are hoping there will be more enthusiasm on the part of individuals in opening up their homes and taking in the Indian boys and girls as boarders.

Senator FERGUSON: Mr. Big Throat was referring to accommodation in the school and not where the children might live.

JIM BIG THROAT: Both.

Mr. GUNDLOCK: Might I, for a moment, come back to the figures. I think we should have them straight and accurate for further study by the committee. I think Colonel Jones gave us a figure of 780 students, Mr. Big Throat gave us a figure of 600 students at one school, and we have a figure of 120 in another school. I think that was a high school.

Mr. JONES: The public school at Cardston.

Mr. GUNDLOCK: Then there are students coming over from another reservation to this particular residential or day school. For the purposes of the committee I think all these figures should be before us accurately so that we can have a good picture of the situation. I am familiar with that school. They now have grade eleven and it does seem it would not be too difficult to add the other grades. There are very successful students in that school.

The VICE-CHAIRMAN: That is at Cardston?

Mr. GUNDLOCK: The St. Mary's residential school. They now have grade eleven. Just the other day I had a list of their graduates. I think for this purpose that we should have those figures accurately for a later study.

The VICE-CHAIRMAN: Colonel Jones will get that for you.  
Are there any further questions on No. 2?

Mr. GUNDLOCK: Earlier we had the Alberta Indian Association before us and one of the witnesses spoke about this same matter of education. It was more in the nature of a complaint than anything else.

The VICE-CHAIRMAN: I believe the witness was Gerald Tail Feathers and the school was the school at Stand Off.



**JIM BIG THROAT:** Mr. Chairman, I would like to answer the comment Mr. Jones made. It seems to us back home in Alberta that first consideration is not given as a privilege to our students in the white schools. The placement of students is very difficult. It is shown very plainly that first consideration is not available. That is the biggest problem we have in the matter of education. We are requesting a high school on our reserve and we would take in the smaller reserves which do not have a high school.

**The VICE-CHAIRMAN:** Are there any further questions on No. 2?

**JIM BIG THROAT:** I would like to answer Mr. Gundlock's question in respect of Mr. Tail Feather's complaint about the day schools at Stand Off. We feel that the complaint should be taken up before our council. According to the complaint here, the way we see it, it is just a misrepresentation. I am quite familiar with the day schools at Stand Off. I live three-quarters of a mile away from these two schools. I do not have any children at the present time attending these schools but I am connected with the organizations which are closely related to these schools. According to the complaint here at these day schools there are practically no Protestants. The only Protestant families in that area, I might say, are a mixed marriage affair. The woman is an Anglican and the husband is a Catholic or it is the other way around and the husband is an Anglican and the woman is a Catholic. There has never been any uprising of any kind all during the years in that aspect—in religious matters. I would like to ask the committee here to please not think I am bringing denominational affairs into this; it is just a matter of clarifying this complaint. We not only think, but I might say we know, there has been some influence practised in this complaint. There is no doubt the principal and the teachers are Roman Catholic, but the Protestants are accepted there without any question. They are not taught religious instructions by the Catholic authorities. Whenever they need religious instruction from their own denomination the door is wide open for the ministers and a room is provided for them so that the pupils may be instructed in religion. The principal is very very cautious about this particular affair. Whenever there is religious instruction given by the Catholic teachers or priests the Protestant pupils are asked to leave the classroom or the special room provided for religious instruction.

We have always been able to solve our problems in our organization. There has never been a complaint in our organization made by any particular families such as the Protestant families in this area. I know for a fact that outside of the three families which just moved in a year ago into that area there has never been any Protestant families in that community.

We feel that the school was set up for that area in that district for the people who live in that community, and we have children at the present time to fill that school.

Colonel Jones has told the committee that he thought the complaints were settled and that no more complaints had been brought before the Indian branch concerning this particular problem. Three years ago one of the officials of the Indian agency on the Blood reserve, myself and a prominent Anglican resident of the Blood reserve, David Healey, were chosen to investigate this. I am sorry I have forgotten the name of the official. I do not remember if he was sent from Ottawa or from Edmonton. We investigated this trouble which had arisen at that time about the day school. We went to these families where the complaints had come from. They gave us their opinion and their decision whether they would reinstate the children at the day school or take them out of the day school and place them in an Anglican school. It was all settled. They signed an affidavit and we thought the problem was solved. That is how Colonel Jones had the idea that this was settled at that time. Therefore, I do not believe there is any particular complaint about these schools—any reasonable complaint.



Senator MACDONALD: In other words you would go so far as to say Tail Feathers had no complaint at all.

JIM BIG THROAT: Yes sir.

The VICE-CHAIRMAN: Are you ready to go on with No. 3?

JIM BIG THROAT: No. 3 is financial assistance to parents with children attending day schools.

"Life is a battle in which victory goes to the strong." From this axiom, we realize the need to prepare our children for a challenge, that of life itself. The best bastion against failure is the preservation of health.

In free society food is generally a problem. Amongst the Indians, destitution is commonplace. At one time, Indians were free to migrate to areas where sources of food were plentiful. Since the advent of the whiteman, they were subjected to the confines of an Indian reserve. Their means of subsistence became scarce.

From the whitemen they (the Indians) were forced to conform to methods, which require a special knowledge, to obtain food. In some of these methods the Indian is still "raw". To the present day "survival" is still an endless struggle with the average Indian.

To fully carry out certain obligations of Indian parents in relation to school children, money is a necessity. More and more, poverty is becoming the trade mark of the Indian population.

We therefore ask the government for financial assistance to aid parents, so that they can provide adequate lunches and clothing for their children attending day schools.

The VICE-CHAIRMAN: Are there any questions?

Mr. GUNDLOCK: Mr. Chairman, we have had this question in almost every brief. As I recall Mr. Jones' explanation he said that aid was available for this purpose.

Once again, as they may be coming in the briefs, I wonder why the councils are not aware of this. I would ask Mr. Big Throat, are you aware there is aid available for this from the department?

According to the explanation Mr. Jones has given, on several occasions, there is a fund for that specific purpose. Am I correct, Mr. Jones?

Mr. JONES: No, not exactly, Mr. Gundlock. Do you want me to answer your question?

Mr. GUNDLOCK: Yes, if you would, because I am hazy on it already.

Mr. JONES: The figures have already been given about the band budget of the Blood, and the band expenses were \$802,000 of which there was \$32,786 for relief.

As I understand this question, they are asking the government to relieve the band of the responsibility for providing food and clothing for children going to day school.

Mr. GUNDLOCK: Completely, do you mean?

Mr. JONES: Yes completely.

Mr. GUNDLOCK: I see.

Mr. JONES: I would like to come back with a question: Is that the responsibility of the Blood band, or is that the responsibility of the government? I have stated, too, the education division has funds to provide for higher education and for tuition, and that no child has even been denied education through lack of funds on the part of his parents; and that still stands. But this has seemed a clear case of who pays for the relief of the day school children of the Blood band: Should it be out of the band funds, or should it be out of government appropriations? I think that is the point they are trying to make, that the band should be relieved of that responsibility.

Mr. WRATTEN: When the children are young these parents would be getting baby bonus for them, the same as people in Ontario?

Mr. JONES: Yes.

Mr. WRATTEN: Is not that what that bonus is for, to help clothe and feed youngsters?

Mr. JONES: That is correct.

Senator FERGUSON: It would not be enough to provide adequate clothing and food for a child.

Mr. WRATTEN: I did not say it would be enough, but it is there to help. That is the idea of the baby bonus here in Ontario, Quebec or any other place. The rest has to be provided by the mother and father.

Mr. GUNDLOCK: Might I ask the witness, do you mean complete financial aid, or an apportionment to particular indigent parents? Do you mean just the odd case, or do you want a regulation, shall we say, that each child going to day school have a dress and a suit?

JIM BIG THROAT: That is right.

Mr. GUNDLOCK: Completely across the picture?

JIM BIG THROAT: Completely across the picture.

Mr. GUNDLOCK: Every child that goes to day school, you are asking that they be provided with clothing?

JIM BIG THROAT: Yes, and adequate food?

Mr. GUNDLOCK: There are some parents that are in better circumstances who would not need that, are there not?

JIM BIG THROAT: If there are, there would be less than a handful. I am very sure they are not attending these day schools.

Mr. GUNDLOCK: Because of lack of food and clothing they are not attending school?

JIM BIG THROAT: Do you mean to say, there are some exceptions who can afford to provide for their children?

Mr. GUNDLOCK: Yes.

JIM BIG THROAT: Yes, there are a very few exceptions, but these people who are more progressive are much older people, such as, I might say, our senator. They are practically all that age group, and their children are practically gone through their education, and some are attending high school education. But speaking of day schools, the day scholars are the primary and younger children. They practically need help.

Mr. GUNDLOCK: Your welfare fund on the band, how much of that do you use for this sort of thing, just roughly?

JIM BIG THROAT: We do not use it at all on the school children, I might say.

Mr. GUNDLOCK: None of that welfare fund is used for the children?

JIM BIG THROAT: No, the relief goes to the disabled, the sick and blind. It is a big strain on our band funds, which we think we should not have to bear.

The VICE-CHAIRMAN: Would your blind people not get a pension from the provincial government, Mr. Big Throat?

JIM BIG THROAT: No, sir.

Mr. HENDERSON: They are entitled to it.

The VICE-CHAIRMAN: They are in Ontario.

Minor Chief OKA: This is our band budget, and it states here that our blind pensions in the band are \$1,536. That is for this year. It shows the band is paying the blind.

The VICE-CHAIRMAN: They get no assistance from the provincial government at all?

JIM BIG THROAT: No assistance, and they will never get it as long as we are paying it ourselves. As the population grows and there are more disabled and blind people, the bigger the burden will be, and the expenditure would not begin to be sufficient as time comes.

Senator INMAN: Approximately how many blind people would you have on the reserve? Have you any idea?

Minor Chief OKA: It does not state that here. The blind pension is for 16 Indians.

JIM BIG THROAT: 16 blind people at \$8.00 a month, for 12 months.

Mr. MARTEL: Do they not qualify for blind pensions from the federal government?

The VICE-CHAIRMAN: Colonel Jones is going to make a statement on that.

Mr. JONES: Indians are eligible for the blind persons' allowance, provided they qualify. That is a federal-provincial plan for every person, including Indians, who are blind. Poor eyesight naturally does not bring you under the scope of the blind persons' allowance. But we have many, many Indians getting that pension because of blindness; and I am quite sure that every blind Indian of the Blood reserve who applied and met the test would be getting a pension. If there was any supplementary pension provided from provincial sources; then, they might not be getting that.

The VICE-CHAIRMAN: But the provincial government does pay 50 per cent of the federal blind pension?

Mr. JONES: Yes, it is in force right across Canada.

Mr. MARTEL: The 16 people mentioned there, would they not be completely blind? They are paid from the band funds.

Mr. JONES: I could not say. I suggest what you are saying is true, that they are not blind, but they probably have very poor eyesight. I would be glad to know of any blind person of the Blood band that had applied for a pension and qualified, but was turned down.

Mr. MARTEL: Could it be possible they have not applied for such a pension?

Mr. JONES: This is so well known throughout Canada, the provisions of social welfare liquidations and benefits—like old age assistance and old age security. They are all covered.

Mr. MARTEL: But to the blind?

Mr. JONES: We have many, many Indians drawing blind pensions. I would be glad to look into this, to see why one band of Indians are not getting a blind pension.

Senator FERGUSON: Would Mr. Big Throat know whether these ones that are being paid by the band have applied for the pension and have been refused?

JIM BIG THROAT: Under the administration at the other end they look after our business and the administration part of it, and we cannot go beyond their authority, I might say.

Each blind person must come before the council, and the council in turn would see the officials on the question of what could be done about it through the provincial aid for the blind. Up to now we have never—perhaps with one or two exceptions—come right out and said that we have not been getting the blind pension from the provincial authorities.

Mr. GUNDLOCK: Does your budget show it as a revenue item payment from any pension fund?

Mr. JONES: No, it would be paid to the individual.

Mr. GUNDLOCK: This disturbs me a little bit. Nearly every delegation and witness we have had has been unaware of the benefits available to them. I recall just recently—I think it was the one before the last maybe—that they did not know there was a difference between the six month and 12 month period in connection with health and welfare, and they did not know that they are eligible for provincial hospitalization.

Here we have a band council with a chief, and a minor chief, yet they do not seem to be aware of the fact that blind pensions are available. Now, what is wrong?

I would even go so far as to ask: "What does the agent do?" Does he look after these things and see that they are paid attention to, and that the Indian people are made aware of the things that are available to them in the way of benefits?

This has happened with nearly all our delegates here, and I think it is a shame.

Mr. JONES: Well, I will be glad to list with the committee the total of the blind Indians receiving pensions across Canada.

The VICE-CHAIRMAN: And particularly those on the Blood reserve.

Mr. JONES: Oh yes. We will find out. The agents are very punctilious in this matter; and, Mr. Chairman, in respect to the last remarks of the member, and the illustration in respect to social and welfare legislation throughout Canada, I may say the Indians are benefitting, and doing very well with the handling of the moneys that they get.

I am very surprised to hear that suddenly, for a reason which escapes me, the Blood Indians are not eligible for the blind pension. I shall certainly check into it. But I suspect, that, as I said before, there is a difference between blindness and failing eyesight. The authorities are very rigid in their application of the Blind Persons Act. I know that from experience; but the people who qualify get the pension, whether they are Indians or non-Indians.

Mr. GUNDLOCK: I did not mean to be personal or specific; but the thought that bothered me was that in every case there was ignorance—I do not mean this personally—ignorance of the benefits available.

For instance a man who was here the other day did not know that they could be off the reserve for 12 months, and yet be eligible. I do not want to be specific or personal in any way, shape or form, but I do think it is a shame that there is not more general knowledge, particularly in the case of band councils.

Mr. WRATTEN: It might be a good idea, as a result of this committee, that an order go out from the Indian office that all these superintendents must make available to the Indian bands the benefits that they may get, so there will be no argument that they do not know about it.

The VICE-CHAIRMAN: I think this has already been done; I would assume so.

Mr. WRATTEN: Well, they do not know about it.

Senator FERGUSON: This applies to disability pensions too?

The VICE-CHAIRMAN: I do not know if there is a disability pension in Alberta or not.

Mr. JONES: Mr. Battle is here with us, and he was recently regional supervisor for Alberta, up until a couple of months ago when he was promoted. He ought to be able to speak intimately of what the superintendents do in regard to blind persons in Alberta.



Mr. GUNDLOCK: I do not think we should carry on with this point at this time. This is only one item, but my point is this: another instance was the delegation that was here with the Alberta Association of Indians; they did not realize there was a fund available to help students going into Calgary to go to school. That is the point I am trying to make. I do not want to belabour blindness or anything else.

The VICE-CHAIRMAN: Perhaps Mr. Battle might explain to us now what is taking place there.

Mr. BATTLE: When Indians were first declared eligible to receive the blind pension, we systematically covered every blind person in the province of Alberta. These people went in and were examined, and applications were filed on their behalf. Since then we have watched the thing as closely as possible, and we have tried to make Indians aware of the fact that they are entitled to receive this type of assistance. So I think there must have been a misunderstanding in the case of the Blood band.

I think the Blood band are paying supplementary allowances out of band funds and I think they cover more than the Indians who are totally blind. They go a bit further than that and cover those who have failing eyesight. They aid Indians with failing eyesight. So I think there is a misunderstanding here, and, as Colonel Jones said, we can check into the records to see how many Indians are receiving the blind pension. I think this should establish the facts.

The VICE-CHAIRMAN: Is there a disability pension in Alberta?

Mr. BATTLE: Yes, there is a disability pension as well, but there again it is pretty rigid; the applicant must meet certain requirements so far as his disability is concerned.

Senator FERGUSON: May I ask what percentage of eyesight must be lost in order for an applicant to receive the total pension?

Mr. BATTLE: I would not want to answer. Perhaps Dr. Moore could.

The VICE-CHAIRMAN: Perhaps Dr. Moore could tell us what percentage of total blindness is required before there is eligibility to receive the blind pension.

Dr. P. E. MOORE (*Director, Indian and Northern Health Services*): I think it figures out to about 10 per cent of vision, and if they have over 10 per cent of vision, then they are not eligible.

The VICE-CHAIRMAN: In both cases, that of the blind pension and of the disability pension, it is a fifty-fifty deal between the federal and the provincial governments; so it is not entirely provincial.

Dr. MOORE: I believe there is a 75 per cent contribution on the part of the federal government.

The VICE-CHAIRMAN: That is in the case of blindness, but it is 50 per cent in the case of disability. Are there any further questions on this, ladies and gentlemen? If not, let us turn to item 4.

Mr. STEFANSON: Mr. Chairman, items 4, 6, 8, and 9 all deal with requests for changes to be made in the act. I am sure that we, as a committee, will check these sections and compare them with the recommendations that have been made here.

The VICE-CHAIRMAN: Very well. May we go on then with item 5? Is that agreeable to the committee? These changes that are suggested will be noted by the committee when we come to make our recommendations. So if it is agreeable to you we shall skip the ones where you have made recommendations for changes in the act, because the committee will be giving due consideration to them when they come to make their recommendations to parliament.

Senator FERGUSON: This delegation may have something they wish to say in support of those recommendations.

The VICE-CHAIRMAN: Very well, if you have something you want to say to support your recommendations, you may proceed. The first one has to do with truant officers, and section 118.

JIM BIG THROAT: The reason we want section 118, paragraph 1 of the Indian Act to define the word "person" as someone hired and paid for by the government is that section 118, paragraph 1 of the Indian Act reads as follows:

118 (1) The minister may appoint persons to be called truant officers, to enforce the attendance of Indian children at school, and for that purpose a truant officer has the powers of a peace officer.

Now since education is the responsibility of the government, and since it is gradually being made a burden on our fund, we feel that the truant officer should be paid by the government instead of being paid by our band fund. We have a band scout, a policeman, who is being paid by our band fund; but he is acting as a truant officer, and his duties are more those of a truant officer than those of a scout. Therefore we pay him as a truant officer instead of the government paying him as a truant officer.

The VICE-CHAIRMAN: I am sorry now, Mr. Big Throat, but it is 11 o'clock and the bell is ringing for us to go to the House of Commons, and for the senators to go to the Senate. Oh, I am sorry, it is not for the senators; but it is necessary for us to adjourn now.

What is your wish regarding further sittings?

Senator FERGUSON: We cannot be with you this afternoon, because we did not know you would be meeting this afternoon.

The VICE-CHAIRMAN: Well, we did not know it either. However we shall have to try to get the required number. Can you be here Senator MacDonald?

Senator MACDONALD: I shall try.

The VICE-CHAIRMAN: Can you get Senator Horner to come?

Senator MACDONALD: I shall try, if he is in the building at all.

The VICE-CHAIRMAN: We shall meet here again at 2.00 o'clock.

Senator MACDONALD: I suggest we make it 2.15, because it will probably take fifteen minutes to get a quorum.

The VICE-CHAIRMAN: All right. The committee is now adjourned to meet this afternoon in this same room at 2.15.

## AFTERNOON SESSION

FRIDAY June 10, 1960.

The VICE-CHAIRMAN: Gentlemen we were dealing with item number 4.

Mr. Big Throat, I think you were probably just about in the middle of the brief resume in regard to Item number 4. Would you continue now, please, and then we will ask questions when you are through.

JIM BIG THROAT: There have not been questions asked on that. I was through.

The VICE-CHAIRMAN: You are through with your statement, are you?

JIM BIG THROAT: That is right.

The VICE-CHAIRMAN: I wonder if there are any questions in regard to section number 4.

Mr. GUNDLOCK: Do I understand there, Mr. Chairman, that they are simply asking that the truant officer be paid for by the department?

The VICE-CHAIRMAN: Yes. There are four sections having to do with the changes in the Indian Act. As Mr. Stevenson said this morning, these four sections will certainly be considered when the committee makes its report.

We will deal with section number 5 now.

JIM BIG THROAT: Mr. Chairman, I would like to turn this section over to Mr. Oka. He will take over from here.

The VICE-CHAIRMAN: That is fine. Thank you.

Minor Chief MIKE OKA: We are asking in regard to failure in school work and reinstatement for more lenience on the part of the department. Failure in school work is not always due to lack of mentality. It has been proven that Indians are just as intelligent as other people. However, the realization of the worth of education to them is something that they are always slow to grasp. There are other factors which are responsible for failure in school. These must be thoroughly looked into. Some of the greatest heads in the world were failures in school. We are strongly urging the government to be lenient in their regulations in so far as advanced education is concerned.

Senator HORNER: You may be referring there to great men like Sir Winston Churchill, who had difficulty in school. I thought that it was explained to us before by Mr. Jones on other occasions that we are helping where help is needed in regard to clothes and other things, and that the government did provide this for the students taking higher education.

JIM BIG THROAT: That is not the point, Senator. The point is that when a student fails in one or two subjects he is not being reinstated into high school for the following year. The government will not pay the tuition if a student fails in a grade. They simply cut the student off.

Mr. GUNDLOCK: In other words that assistance is discontinued after one year failure, and you are asking the department to continue this assistance?

JIM BIG THROAT: Yes.

Senator HORNER: You are asking, I suppose, that they be given a greater chance to repeat the year, is that what you mean?

JIM BIG THROAT: Yes, something similar to that. We are asking that they be reinstated and be given another chance during the following term to start over again if the students do not make the grade.

Senator HORNER: Colonel Jones, could you tell us what the present policy is in that regard? Are these students cut off if they fail?

Mr. JONES: The statement that the witness makes is correct, sir. We only withdraw support from a student due to lack of effort or lack of ability. If a student is sick, of course, that does not count. If, in preparing the rolls for the next year, a student has been found to have failed and we feel it is through lack of effort then we do not support that student another year. This is true in regard to lack of ability as well.

Senator MACDONALD: Mr. Chairman, I might say that this situation applies in white men's universities and colleges. If a student does not come up to the mark he is put out.

The VICE-CHAIRMAN: Are there any further questions on this point?

Gentlemen, Colonel Jones has the answers to the questions asked by Mr. Gundlock this morning in regard to the attendances at schools on the Blood reserve.

Mr. JONES: I must apologize, Mr. Chairman, for not being able to answer Mr. Gundlock's first question. I find that the answer as prepared is not complete. I will have to ask your indulgence until next week. We do not have

the information in regard to students from other reservations attending Blood schools. We have all the other information that was requested, but I thought that I would not table only half the report. With your permission it will be tabled next week.

I have the information in regard to the blind, if the committee desires to hear it now.

The VICE-CHAIRMAN: Yes.

Mr. JONES: I have a table, sir, which I would request be printed as an appendix. The table covers all social allowances by provinces for the dominion of Canada. I will just read the totals. Those participating in family allowances are 25,337, in old age security, 4,730; in old age assistance, 1,893; blind persons' allowances, 322; of which 36 are in Alberta; disabled persons' allowances, 388, and other social allowances, 972. I would like that part, sir, made an appendix.

I would like to make a few remarks, if I may.

The VICE-CHAIRMAN: Yes.

Mr. JONES: Old age assistance, blind persons' allowances and disabled persons' allowances are payable subject to a means test. These allowances are administered by the provinces but Indian agency resources are used extensively in assisting Indians to apply, in verifying age and in securing information for the means test calculations. In most cases and wherever Indians are not familiar with the terms of eligibility, the Indian superintendent takes the initiative in the preparation of the necessary applications and documentation. This is a function and responsibility of all Indian agency offices and this duty of the Indian agency superintendent is covered by departmental instructions.

In regard to the Blood agency, the following band members are receiving the pensions shown, as at December 31, 1959:—

family allowances — 439  
old age security — 43  
old age assistance — 22  
blind persons' allowances—  
disabled persons' allowance — 2

There were two former recipients of blind persons' allowances who have died. In checking with the Indian superintendent we were informed that no Indians of the Blood reserve at the present time are eligible, as far as he is aware, for assistance under the Blind Persons' Allowances Act and Regulations. Indians who might be eligible are expected to make application but, in addition, the superintendent is required to take the initiative on behalf of Indians in this category on the reserve.

The VICE-CHAIRMAN: This will be printed as an appendix to the report. Are those all the questions on No. 5? If so, we will proceed to No. 6.

Minor Chief OKA: Mr. Chairman, with your permission, I would like to read the prepared statement we have in connection with No. 6, where we define the word "reserve" in the same way as in the 1927 Indian Act, section 2, paragraph (j).

I refer to the present Indian Act, where it sets out the definition of the word "reserve".

"Reserve" means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band.

In the 1927 Indian Act, the word "reserve" means any tract or tracts of land set apart by treaty or otherwise for the use or benefit of or granted to a particular band of Indians, of which the legal title is in the crown, and which



remains so set apart, and has not been surrendered to the crown, and includes all the trees, wood, timber, soil, stone, minerals, metals and other valuables thereon and therein.

The VICE-CHAIRMAN: Do you want the present act changed back to the 1927 wording?

Minor Chief OKA: Yes.

Senator MACDONALD: Mr. Chairman, I have great confidence in Senator Gladstone, and I would like to ask him to elaborate on that. I am still a little foggy on this issue.

The JOINT CHAIRMAN (*Senator Gladstone*): The present wording of the act is very confusing. I know, wherever I have gone, they felt that in changing it to the wording in the 1927 act, it would be more understandable than it is at present.

Senator MACDONALD: In other words, if we want any further information, we have to search back to the act previous to 1927?

Senator HORNER: No; in 1927 the change took place.

You had reference to the difficulty over the oil rights, where the lawsuit took place. Is that the reason why you want the wording changed?

The JOINT CHAIRMAN (*Senator Gladstone*): Not only that, but there are other matters which concern various parts of Canada where, because of the way the present act is worded, it is most confusing.

The VICE-CHAIRMAN: It does not set out mineral and oil rights.

The JOINT CHAIRMAN (*Senator Gladstone*): No, it does not set it out. The present act sounds like they have no title to the reserve, and I think the other one explains it better.

Mr. BALDWIN: Could the witness read the 1927 definition again.

"Reserve" means any tract or tracts of land set apart by treaty or otherwise for the use or benefit of or granted to a particular band of Indians, of which the legal title is in the crown, and which remains so set apart and has not been surrendered to the crown, and includes all the trees, wood, timber, soil, stone, minerals, metals and other valuables thereon or therein.

Mr. BALDWIN: It is that last part in which you are interested?

Minor Chief OKA: Yes.

Mr. BALDWIN: The specific description of those particular things which, in your opinion, should go with the land?

Minor Chief OKA: Yes.

Mr. BADANAI: When was the wording of the 1927 act changed?

The VICE-CHAIRMAN: In 1951.

I am sure the committee will give consideration to this, when they come to the provisions of the act.

Minor Chief OKA: Thank you.

The VICE-CHAIRMAN: No. 7 is next.

Minor Chief OKA: We request a reorganization of the Indian affairs branch. We ask that the director of Indian affairs have the rank of deputy minister, and shall have at least two assistant commissioners, one of whom should be a Canadian of Indian descent.

The reason we are making this request is because the department has been changed from time to time, and we have been shifted around from time to time. Owing to the increase of the Indian population in Canada, we feel it is time now that we should have a department that is chiefly concerned with Indians. In that way, we would know where we are at all times.

The VICE-CHAIRMAN: You are asking for a separate department as well?

Minor Chief OKA: Yes.

The VICE-CHAIRMAN: Along with the director having the status of a deputy minister?

Minor Chief OKA: Yes.

The VICE-CHAIRMAN: You want a separate department of Indian affairs?

Minor Chief OKA: Yes, and at least two commissioners, one of whom should be a Canadian of Indian descent.

Senator MACDONALD: I do not know whether or not I am correct in this, but I believe there is a previous brief which demanded a minister.

The VICE-CHAIRMAN: There have been several, senator.

Senator MACDONALD: Yes. Supposing we elevated Colonel Jones to the rank of deputy minister, would you be satisfied?

Minor Chief OKA: To the extent that if we had two commissioners, one of whom would be a Canadian of Indian descent, we probably would get some satisfaction.

Senator MACDONALD: All right; let me follow the question up.

I know you have a lot of clever men in your different reservations all across Canada, and I do not doubt but what you have a man qualified for the job of commissioner. I do not doubt it a bit, but have you your man picked out for the job? You cannot have Senator Gladstone; we have to keep him here.

JIM BIG THROAT: No, we have not, senator. However, it usually takes the same amount of time the department usually takes in answering our problems, and solving them. If we do get that, we will take a little time to pick out our candidate.

Senator HORNER: Do you think you would be equally as good at it as they are?

JIM BIG THROAT: We will be equally as fast as the department. I would like to make a comment on that. That is one of the main reasons as well—that when we are under a department that has its hands full, our administration is at least six months to twelve months behind. It is very important, as we all know and, in big business, you have to be punctual. We do not blame the department or the present administration for lack of confidence due to the fact that we have always been shifted to a department which already had its hands full; and we have been shifted from one department to another, and so on.

Consequently we feel that due to the Indian population of Canada, it is time now that we should go back to the system when we had our own department. If I am not mistaken we did have a department of our own at one time; and we feel we ought to have a commissioner of Canadian-Indian descent, which would bring about better understanding between the Indians and the department.

As we all know, there is as much difference between day and night as there is between the two peoples, the Indian and the white people; we have our own culture; and there is an old saying that you have to be in my moccasins in order to know what I am explaining.

Therefore I think it would be very good to have at least one commissioner of Canadian-Indian descent.

The VICE-CHAIRMAN: I think that is being done now wherever possible, and that your people are being brought into the department—that is, those who will accept jobs in the department, because some of them are getting more money than the department can pay; therefore they are not interested. But wherever possible I think it is being done right now to the greatest extent that the department is able to do it.

You will realize that delay in a lot of these things is brought about through so much back searching which has to be done. I think you will appreciate that.

**JIM BIG THROAT:** Yes.

The **VICE-CHAIRMAN:** And that is the reason for some delay.

**Mr. BALDWIN:** Following what the chairman has said, would you think it proper that a man who was qualified for this position should be one who has, to some extent, come up through the ranks and learned all about administration, and about the various ramifications of Indian Affairs administration?

Perhaps I am not making myself plain, but rather than to appoint someone to that position without previous training, would it not be better to have an Indian who has followed training throughout the different branches of the departments?

**JIM BIG THROAT:** Yes sir, and it only stands to reason; I think we are reasonable enough to see it that way, and we are not asking you to appoint an Indian to the Indian Affairs branch right now without any experience, or without his first having had experience on the job. As I said, it takes time, and we are planning a long term plan anyhow.

**Mr. BADANAI:** Your objective would be to have some Indian taken into the department for training purposes, to train him for that position. Is that what you mean?

**JIM BIG THROAT:** Well!

**Mr. BADANAI:** Perhaps I might ask Colonel Jones about it.

**JIM BIG THROAT:** It is not meant just for training purposes.

**Mr. BADANAI:** I meant to train him for the job; because you have said, yourself, that without training, and without experience you would not expect an Indian to be appointed.

**JIM BIG THROAT:** Yes.

**Mr. BADANAI:** Is it not your objective to have someone placed in the department who would learn the growth and the ramification of things about the Department of Indian Affairs? That is the point?

**JIM BIG THROAT:** Yes, that is the point.

**Mr. BADANAI:** I am sure the committee would agree to that.

**JIM BIG THROAT:** I would like to make another comment on your question. At the moment we have some Canadians of Indian descent, people who are in the field in the government service. For instance, I do not have to go outside of this room to give you an example.

Our senator's boy is the chief assistant on our reserve, and there are men on other reserves in that field too who could gradually come up and finally fill or occupy that position. We have some who are being trained at the moment, I might say.

The **VICE-CHAIRMAN:** There are 231 Indians employed in the department of whom 116 are teachers, and 115 are in various parts of the department; so there are quite a few to choose from now.

**JIM BIG THROAT:** We have several chances, then?

The **VICE-CHAIRMAN:** Are there any further questions on item 7? If not, let us pass on to item 8.

**Minor Chief OKA:** We want some protection for ourselves and for our fund. That is the reason we want the words "with the consent of the band council" added in the Indian Act, in section 34 (1), which reads at present as follows:

34 (1) A band shall ensure that the roads, bridges, ditches and fences within the reserve occupied by that band are maintained in accordance with instructions issued from time to time by the superintendent.

The VICE-CHAIRMAN: You want the words "with the consent of the band council" to be added after that?

Minor Chief OKA: Yes, that is right. And the reason is that since yesterday there has been quite a discussion about the expenditure of Indian funds without the approval of the council, or without the band council being consulted.

Mr. BALDWIN: In the commentary on the Indian Act at page 14 a proposition is made along that line.

The VICE-CHAIRMAN: Yes; at page 14 of the commentary that was supplied to us the suggestion is made that it be taken right out of the act altogether, I mean section 34.

Mr. BALDWIN: You will get twice as much as you asked for, because it means not only subsection 1 but subsection 2 as well.

Minor Chief OKA: Yes.

The VICE-CHAIRMAN: So there we are ahead of you on that one. Now, we are on item 9.

Minor Chief OKA: In item 9 we ask that the words "to assist sick, disabled, aged or destitute Indians of the band" be omitted from section " (2) of the Indian Act.

The reason for this is that these words "to assist sick, disabled, aged or destitute Indians of the band" hinder us from getting provincial assistance.

The VICE-CHAIRMAN: That should have nothing to do with your getting provincial assistance. I do not see why it does. I do not see why it should have anything to do with the amount which the bands are paying out of the revenue fund by way of social security benefits given by the province or by the dominion.

Mr. JONES: Oh no.

The VICE-CHAIRMAN: But if there were a means test, it could be that the amount which you were paying would be considered as income.

Mr. JONES: It is the same point that the Indian association of Alberta raised, that is, using the revenue funds of the band to pay relief.

The VICE-CHAIRMAN: Yes.

Mr. JONES: Yes, that is the same thing.

The VICE-CHAIRMAN: Section 66 (2).

Mr. JONES: That is right.

Mr. GUNDLOCK: With these words in here you could not get provincial assistance. Is that so? Is it as Mr. Jones has just said, that you do not want to pay from band funds?

Minor Chief OKA: As long as the band is looking after these sick, disabled and destitute people, we could not get any help from any department, or from the province, or from anywhere else. The band has to look after these people.

Mr. BALDWIN: Mr. Jones, just stated that help is available.

Minor Chief OKA: That is news to me.

JIM BIG THROAT: Mr. Chairman. I would like to ask a question on this particular section. What does a means test mean? This might sound like a funny question but I have a reason for asking it.

The VICE-CHAIRMAN: Ordinarily a means test is the total income including the pension which a person gets. Generally, in some cases there is a maximum income allowable, over which the person cannot get the relief. If your band funds are bringing that up to a position where it would be above the maximum, then the province would say they are not eligible because they are getting too much money as it is. Is that clear?



JIM BIG THROAT: I understand that, Mr. Chairman. The reason I asked such a funny sounding question is that back on our reserve in Alberta there are people who are crippled bad enough that they cannot help themselves. There is one man in particular I am thinking of at the moment who is crippled. He is about 75 or 80 per cent blind. He is under the care of the band and has been given relief through our band funds in the amount of \$15 a month, or if I am wrong it could be \$30 a month.

The VICE-CHAIRMAN: Is he getting the old age pension?

JIM BIG THROAT: I do not think he is old enough. I am thinking of Good Gun.

The JOINT CHAIRMAN (*Senator Gladstone*): He would not be 70.

The VICE-CHAIRMAN: I thought you said he was 75.

JIM BIG THROAT: No.

The VICE-CHAIRMAN: I must have misunderstood you.

JIM BIG THROAT: I said he was disabled and crippled and about 75 or 80 per cent blind. He is not drawing any disability pension from the province.

Mr. BALDWIN: Has he applied for a pension under the Blind Persons Act?

JIM BIG THROAT: That is where the catch is. I am not an official of our office. I do not know all that is going on there. There is a man who is being paid by the government who is supposed to look after us and these people. The question is why doesn't this man get that?

The VICE-CHAIRMAN: Has the band council ever brought it to the attention of the superintendent?

JIM BIG THROAT: Apparently it has been brought to his attention.

Minor Chief OKA: Our council meetings consist of two or three days out of a month. Other than that what they do they do on their own time. I heard a statement yesterday from one of the delegates that you cannot do \$400 worth of work for \$10. The superintendent has a full time job and he is paid by the government to look after all these things. He is driving a department car and has his gas and everything paid for. On the other hand the band council does not.

The VICE-CHAIRMAN: Do you have a welfare committee of your council?

Minor Chief OKA: No. We do not have a welfare committee.

The VICE-CHAIRMAN: Is it your council as a whole which deals with welfare cases.

Minor Chief OKA: We have various committees. We are just getting to the situation of organizing our committees, such as a farm committee and a credit committee. We have not got to the point of having a separate committee for welfare.

The VICE-CHAIRMAN: Are there any further questions on No. 9?

No. 10.

Minor Chief OKA: We ask that the agency offices and buildings be placed in a central location on the reserve. We want this for convenience and as a prevention against moving the agency buildings out of the reserve.

Senator MACDONALD: Where are the offices located now?

Minor Chief OKA: The present offices are located in the town of Cardston; that is just outside the reserve.

Senator MACDONALD: Are those offices in Cardston not convenient to the people on the reserve at the present time?

Minor Chief OKA: No; they are not convenient.

Mr. BADANAI: How far would you have to travel between the reserve and the office?

Minor Chief OKA: In some cases some of the people live as far north as close to Lethbridge which is on the other end of the reserve. It is a good 50 miles.

Senator HORNER: Have the agency offices always been at Cardston, or was there a time when they were located more centrally?

Minor Chief OKA: There was a time when they were located on a central portion of the reserve. They have been shifted around two or three times during my time.

Mr. BADANAI: 50 miles is quite a distance. You have a good case there.

JIM BIG THROAT: Mr. Chairman, may I explain this particular item. When you have an Indian agency office located such as ours is, it is very very inconvenient for people there,—that is, the Indian people. It has got so now that wherever your agency is located the people of that town feel it is their agency. They seem to have more privileges with the agency than the people who, shall we say, own the agency. I can give some instances of that. It has been quite frequent that we have trouble and a few squabbles over this. I live 22 miles away from the agency. I had important business to do, I went to the agency. I go to the agency, and the agency hours are scheduled from 1.30 until 5.00 o'clock for the Indian business, in the afternoon. Therefore, I stood around and waited my turn, and it so happened that it was around such a time, perhaps around the end of the month, when there was quite a lot of business to be handled with the white people. So I stood there, and several white people came in. Of course, they came in one at a time, and they kept passing by. I was on deck, but the clerk seemed to favour the white man who came in an hour after I had been in the office. They took them in and did their business, and sometimes it takes a couple of hours. So I went back home. I drove back home, another 22 miles, and that made 44 miles for nothing. The next day the same thing happened. The third day the same thing happened. Then I thought to myself, "I have always thought this office was for me." So in comes another white man, and as he was ready to go in to see the superintendent I grabbed him by the collar and took him back, and said, "Mister, I am on deck for three days now"—so I made over 100 miles and spent three days to be able to do an important business that had to be done promptly.

That is the reason why we would like our agencies located on the central portion of our reserve. Not only that, but there are a lot of other reasons, too.

Mr. BADANAI: Did you complain to the agent when you finally got to him?

JIM BIG THROAT: It seemed like it was no use to put in a complaint, because it was their administration; that is the way they wanted it. They called the white man in before me, and I had to wait until they were through, and until I was told, "O.K., you want to see so-and-so?"

Senator HORNER: I expect you would be annoyed, very much annoyed, but might I ask, have you an office at a central place where your band council meets? Where do you meet?

JIM BIG THROAT: We meet right at the Indian agency. There is a special room.

Senator HORNER: It would be more convenient if you had that in a central part as well?

JIM BIG THROAT: Yes, it would be.

Senator HORNER: You would need your band council to be near the agency so that business could be confirmed and transacted?

Senator MACDONALD: I wonder if I could call on Colonel Jones to come in on that? I think that is a very important thing, that the district agency should be convenient to the Indians. He is supposed to work with the Indians and should be convenient to them.

Mr. JONES: I have given a lot of thought to this very problem, and I am going to ask the committee at the proper time, to guide and counsel the branch on its future activities and where agencies' offices should be located. This was moved to Cardston, I believe, 11 years ago. It used to be at the farm headquarters, is that not right?

JIM BIG THROAT: Yes.

Mr. JONES: And it was moved 11 years ago, before my time. But there are points for and against such moves. I am very sorry to have heard a white man would get preferred treatment in an agency office. I am very sorry to hear it, and I find it hard to believe, but I will check into it, because it is not part of our policy at all. The agency is there for the Indians.

We have, in the recent few years, on occasion moved our headquarters to neighbouring towns, with the consent of the Indians, with the main idea of having the Indians slowly take over more of their own affairs. It has not been a concentrated drive. Each agency has to be judged on its own merits and what is best for the Indians. That is the guiding factor. But I am certainly sorry to hear any white man would ever have preference over an Indian in one of our offices.

JIM BIG THROAT: In past years, when we had our agency located on the reserve, we did not see much interruption from the white people. That is during the business hours. We feel this office is there for our business. We also feel that all of our business, like other people's, is just as important as theirs. Due to the fact that when it is outside of a reserve there is a lot of interruption and particularly at times there is a lot of embarrassment, especially where it is located now, in the way of segregation, I might say, or discrimination. We have a portion of the federal building, the post office building. That is what makes it still difficult for us to do our business there.

According to Colonel Jones' explanation, very well, the department will get in contact with the superintendent and tell this present superintendent that there are certain complaints about preference to a white man over an Indian. But in a year or two he is moved, and it is all forgotten. Then this starts all over again. There is the problem there. It is corrected for a short time, until some change takes place, and then it starts all over again. It is very inconvenient. We feel we should have it on our reserve. It may be feasible for some small reserve up north, say for half-a-dozen reserves that are under one agent, to have it outside the reserves, because you could not get away from that, and the best thing might be to have it in the nearest town, in the nearest central part. But for a reserve such as ours, having our own agency, it does not look right, to go and have an agency on a white man's soil.

Senator HORNER: In a building that has other business attached. You would prefer the building to be entirely devoted to your work?

JIM BIG THROAT: Yes.

Senator HORNER: And not part of any other building or business?

JIM BIG THROAT: That is right.

Senator HORNER: I can understand that.

Senator MACDONALD: I could understand that too. When he stated that the white man was jumping in ahead of him, that means aggravation and that should not be.

The VICE-CHAIRMAN: Any further questions on No. 10?

Mr. GUNDLOCK: One, please, Mr. Chairman. I wonder if Colonel Jones would explain a little more fully what he means by the fact that some agencies have been moved from the reserves in order to promote the Indian looking after himself better? I cannot quite understand that. How does moving the agency buildings help the Indian to look after his own affairs better?



Mr. JONES: With the rearrangement of agencies, sometimes we could add some reserves to an agency and take some from other agencies and become less a central spot. Due to the leadership and the competence of band councils, sometimes it is felt that an agent, or assistant, could be of more use in another area, helping groups of Indians. These other groups can then pretty well run their own affairs. Of course, that is what we are looking for; that is the idea, in general.

Mr. FANE: That would be the same as the Saddle lake agency. That controls eight or nine reserves, and that is situated in the town of St. Paul. The reserves are all within a short distance of that area. I think that is about what is wanted here.

The VICE-CHAIRMAN: Are there any other questions on No. 10? If not, gentlemen, that completes the brief. I want to say how much we appreciate you gentlemen coming here and giving us your ideas and opinions. You can rest assured that they will be given every consideration when this committee meets to consult and write the recommendations that go to the House of Commons.

JIM BIG THROAT: Mr. Chairman, I would like to address the committee on behalf of our head chief, the rest of the delegation, and the people back at home, who had the confidence in us to send us down here.

This committee, I could see, has been very kind to us in preparing themselves to accept our brief and in helping us to present it. We greatly appreciate that.

There is one point I would like to stress. I could say that this will stand in history as being the first time for, I do not know how many years, or how long, since the treaty was signed that we have had our head chief as a delegate to Ottawa. I would like to stress, also, that we have confidence in the government that our treaties will be as secure as the rock of Gibraltar, as long as the sun shines and the rivers flow.

I would like to present proof here. Perhaps some of your people have never seen the actual piece of metal that was presented in the year 1877. With the permission of our chief, I would handle the metal. This is the first time I have ever touched it. Here is Her Majesty's representative, and our representative, hand in hand. That was in 1877. Thank you, gentlemen.

Some hon. MEMBERS: Hear, hear.

The VICE-CHAIRMAN: Thank you very much. Just before the committee adjourns, I would ask the members to consider this matter. We have no one coming on the morning of June 15. That is a Wednesday morning. Of course, since caucuses are now held at 9.30, we did not attempt to get anybody for the morning; but we did try and get someone for the afternoon. We tried three organizations, and none of them could come.

What is the wish of the committee: do you want to have a meeting with the departmental officials that afternoon, or do you want to wait until Thursday, when a delegation from the province of Saskatchewan will be here? What is your wish regarding having a meeting on Wednesday afternoon?

We have one on Thursday morning, the 16th, at the same time, 9.30; but it is Wednesday afternoon with which we are concerned. What is your wish in that regard?

Senator MACDONALD: What officials do we meet then?

The VICE-CHAIRMAN: That is up to you. The officials can be brought in any time that you desire.

Senator HÖRNER: Would it not be better to perhaps wait until we have heard all the briefs?



The VICE-CHAIRMAN: Before we have them?

Senator HORNER: Yes.

The VICE-CHAIRMAN: Very well. Does the committee agree to that?  
Agreed.

The VICE-CHAIRMAN: Then, gentlemen, the next meeting will be on June  
16, at 9.30 a.m.

Senator MACDONALD: Thursday?

The VICE-CHAIRMAN: Thursday, at 9.30 a.m.

## APPENDICES

- Appendix L1 Documents with respect to the irrigation canal on the Blood Indian Reserve and licensing of water rights.
- “ L2 Statistics and explanatory statement dealing with Indians of Canada receiving social welfare benefits.
- “ L3 Supplementary Brief of Catholic Indians of the Blackfoot Reserve—Alberta
- “ L4 Chipewyan Cree Band—Alberta
- “ L5 Farm Women's Union of Alberta
- “ L6 Samson, Montana, Ermineskin and Louis Bull Bands—Alberta
- “ L7 Tall Cree Band—Alberta



## APPENDIX "L1"

P.C. 1956-661—Privy Council—Canada  
AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 3rd day of MAY, 1956.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL:

His Excellency the Governor General in Council, on the recommendation of the Minister of Citizenship and Immigration, is pleased, hereby, pursuant to the provisions of section 40 of the Indian Act, to accept the attached surrender dated the twelfth day of April, 1956, of those portions of Blood Indian Reserve Number One Hundred and Forty-eight in the Province of Alberta, more particularly described in the Surrender, duly assented to by the electors of the Blood Band of Indians in the said Province in accordance with the provisions of the Indian Act in order that the control, management and administration thereof may be transferred to the Minister of Agriculture of Canada.

Certified to be a true copy.

A. M. HILL,  
*Ass't. Clerk of the Privy Council.*

*Copy*

P.C. 1956-4/442

Certified to be a true copy of a Minute of a Meeting of the Treasury Board approved by His Excellency the Governor General in Council, on the 22nd March 1956.

T.B. 498497  
Agriculture:

The Board had under consideration a report and recommendation from the Honourable the Minister of Agriculture representing:

"THAT under the Agreement entered into with Alberta for the development of the St. Mary Irrigation Project, as authorized by Order-in-Council P.C. 17/2622 of May 25, 1950, Canada agreed to construct all dams, reservoirs, and connecting canals in the project from the Waterton River to the Ridge Reservoir inclusive;

THAT construction of the Belly River diversion was postponed until such time as an agreement was reached with the United States with respect to the division of the waters of the Waterton and Belly Rivers;

THAT various proposals have been considered by the International Joint Commission in the past few years, but an agreement could not be reached, as a result of which the reference was terminated at the meeting of April 5-8, 1955, and both Sections of the Commission have submitted separate reports to their governments in accordance with Article IX of the Treaty of 1909;

THAT the termination of the Reference means in effect that Canada is now free to proceed with whatever plans are deemed appropriate for the use of the waters of the Waterton and Belly Rivers in Canada, but this freedom of action may not last indefinitely because it is possible that the United States Government may require a further reference to the International Joint Commission under Article IX of the Treaty of 1909, and therefore it is urgent for Canada to undertake without delay the development of the waters of both rivers for beneficial use in Canada;



THAT tenders were advertised recently for the construction of the Belly River Diversion and nine were received, the lowest of which is for \$520,845, but before construction can begin it will be necessary to acquire right-of-way through the Blood Indian Reserve on approximately 1550 acres;

THAT at a meeting of the Band Council held on the Reserve on February 18, 1956, with the Minister of Agriculture and the Minister of the Department of Citizenship and Immigration a vote of the Indians attending the meeting was held and they agreed, subject to confirmation by a vote of the Band, to accept the sum of \$310,000 as full compensation for an easement covering the canal right-of-way across the Reserve including all severance damages, providing that the commitments set out in the Schedule attached hereto, which were discussed with the Indian Council, are carried out;

THE UNDERSIGNED has, therefore, the honour to recommend that authority be granted to pay to the Band of the Blood Indian Reserve the sum of \$310,000.00 as full compensation for an easement covering right-of-way to construct a canal across the Reserve to divert the Belly River into the St. Mary River, provided the conditions set out in the Schedule, appended hereto, are carried out; the expenditure to be chargeable to the Parliamentary Appropriation for "Major Irrigation and Reclamation Projects in the Prairie Provinces of the Main Estimates".

The Board concur in the above report and recommendation, and submit the same for favourable consideration.

The Honourable

The Minister of Agriculture

R. B. PRICE,  
*Clerk of the Privy Council.*

#### SCHEDULE

1. Stock watering at all feasible points to be supplied by the P.F.R.A. through 12" pipes.
2. Riparian waters to be continued down coulees or streams now having a flow of water.
3. P.F.R.A. to supply water up to 4,000 acres for gardens or hay meadows after the Band had obtained water right from the Water Resources Branch at Edmonton.
4. Crossings and bridges to be placed across the canal by P.F.R.A. at all existing roadways, and other points if and when roads are constructed.
5. Texas gates to be supplied by P.F.R.A. along the canal at all existing farms, and the Indian farmer to construct his fences to these Texas gates.
6. P.F.R.A. to seed down all canals and burrow pits to cultivated grass.
7. The canal rights of way are not to be fenced, but where existing fences are cut by the canal right of way, the P.F.R.A. would give assistance to connecting up the fences.
8. The Blood Indians to retain the mineral rights on all land covered by the right of way.
9. P.F.R.A. to take care of any loss or damage caused by seepage from the canals, and to take care of correction of any seepage problem.

10. The right-of-way area to be set out by plan of survey completed by a Dominion Land surveyor, but plan of survey need not be completed until after the construction is finished.
11. Right of entry to be given to P.F.R.A. to construct and maintain this work as soon as agreement has been reached.

## CANADA

Province of Alberta

To Wit:

IN THE MATTER OF A SURRENDER, dated the 11th day of April, 1956, assented to by the electors of the Blood Band of Indians, pursuant to The Indian Act.

I, L. C. Hunter of Cardston, Alberta, in the Province of Alberta, Superintendent of the Blood Indian Agency, Indian Agency, MAKE OATH AND SAY:—

1. That the annexed surrender was assented to by a majority of the electors of the Band at a general meeting of the Band called by the Council of the Band.
2. That I was present at the meeting when the assent was given.

SWORN before me at Cardston, in the Province of Alberta, this 12th day of April A.D., 1956.

L. C. HUNTER.

R. C. HAMER,

*A Commissioner for Oaths in and  
for the Province of Alberta.*

Province of Alberta

To Wit:

IN THE MATTER OF A SURRENDER, dated the 11th day of April, 1956, assented to by the electors of the Blood Band of Indians pursuant to The Indian Act.

I, Percy Creighton, (a member of the Council), of the Blood Band, in the Province of Alberta, MAKE OATH AND SAY:—

1. That the annexed surrender was assented to by a majority of the electors of the Band at a general meeting of the Band called by the Council of the Band.
2. That the terms of the said surrender were interpreted to the electors by an interpreter qualified to interpret from the English language to the language of the Indians.
3. That I am (the Chief), (a member of the Council), of the said Band.

SWORN before me at Cardston, in the Province of Alberta, this 12th day of April, A.D., 1956.

PERCY CREIGHTON.

L. C. HUNTER,

*Superintendent.*

Indian Affairs  
Branch

Refer to File Number  
103/8-4

DEPARTMENT OF  
CITIZENSHIP AND IMMIGRATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, the undersigned Chief and Councillors of the Blood Band of Indians resident on Our Reserve number One hundred and forty-eight in the Province of Alberta and of Canada, for and acting on behalf of the whole people of our said Band in Council assembled, Do hereby surrender unto Her Majesty the Queen in right of Canada, her Heirs and Successors forever, ALL AND SINGULAR, that certain parcel or tract of land and premises, situate, lying and being in the said Reserve and being the lands required by the Department of Agriculture for Canada for the construction of a dam and water diversion canal from the Belly River to the St. Mary's River and water storage reservoir at the latter named River, as shown on a location plan bearing Number 27555-L-1379B and dated March 13th, 1956, a print of which plan is on file 103 8-4 in the Indian Affairs Branch at Ottawa, and which lands are more particularly described in the Schedule attached hereto and forming part of this surrender

TO HAVE AND TO HOLD the same unto Her said Majesty the Queen, her Heirs and successors forever in trust to transfer the control, management and administration thereof to the Minister of the Department of Agriculture for Canada for a sum or price of Three Hundred and Ten Thousand Dollars (\$310,000.00) upon the following conditions, namely,

1. that the mineral rights shall not be included but shall be retained by Her Majesty for the use and benefit of the Blood Band of Indians and that the control, management and administration of the surface rights to the said lands shall revert to the Superintendent General of Indian Affairs for the use and benefit of the Blood Band of Indians when the lands are no longer required for water diversion purposes.
2. THAT the said lands shall not be fenced and where existing fences are affected the Department of Agriculture through its Prairie Farm Rehabilitation Administration shall give assistance in connecting the fence with the canal right of way.
3. THAT bridges shall be constructed on all existing roads where the canal crosses such roads and construct such further bridges as may be required when new roads are constructed.
4. Water shall be supplied at all feasible points for the watering of livestock by means of a 12" (twelve inch) pipe.
5. Wherever the flow of water is interfered with through the construction of such canal either in coulees or streams such flow shall be restored from waters in the canal.
6. Subject to obtaining a water license right from the Province of Alberta the Department of Agriculture through its Prairie Farm Rehabilitation Administration shall supply water up to two thousand acres for gardens or hay meadows.
7. Texas gates shall be installed along the canal at all existing fences and the Indian Farmer shall have the right to connect his fence to such Texas gates.
8. Wherever the sod is removed from the canal right of way or borrow pits such land shall be seeded down with cultivated grass seed.

9. All rights granted in connection with the said lands or conveyances made thereof shall be subject to the condition that the Department of Agriculture shall indemnify the Blood Band of Indians for any loss or damage caused by seepage of water from the canal and that wherever possible permanently correct the cause of the seepage and such grant or rights or conveyance shall also make provision for the payment by the Department of Agriculture for all damages suffered by either individual Indians or by the Band in common in the construction of the canal and related works.

AND upon the further condition that all moneys received from the sale thereof, shall be deposited to the credit of our Capital Trust Account in Ottawa.

AND WE, the said Chief and Councillors of the said Blood Band of Indians do on behalf of our people and ourselves, declare that it is clearly understood that the lands surrendered are to be further identified by a legal survey and in the event of some discrepancy between such legal survey and the description herein contained then the legal survey shall identify the lands that have been surrendered this day;

AND WE, the said Chief and Councillors of the said Blood Band of Indians do also on behalf of our people and for ourselves hereby ratify and promise to ratify and confirm whatever the Government of Canada may do, or cause to be lawfully done, in connection with the sale of the said lands.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this twelfth day of April in the year of Our Lord one thousand nine hundred and fifty-six.

SIGNED, SEALED AND DELIVERED

In the presence of

L. C. Hunter

Stephen Fox Jr.,  
Morris Many Fingers,  
Percy Creighton,  
A. C. E. Wolf,  
George Fox,  
Frank Red Crow,  
Harry Big Throat,  
Jim White Bull,  
Fred T. Feathers,  
D. Wessel Fat,



## SCHEDULE

The lands described in the within surrender may be more particularly described as comprising the following portions of Sections or Quarter Sections, namely:—

1. In Township four (4) Range Twenty-seven (27) West of the Fourth Meridian.

Section twenty-one (21) .....	35.0 acres
Section twenty-eight (28) .....	32.2 acres
Section twenty-seven (27) .....	98.0 acres
Section Thirty-four (34) .....	23.4 acres
Section twenty-six (26) .....	20.2 acres
Section thirty-five (35) .....	39.6 acres
Section twenty-five (25) .....	116.4 acres
Section thirty-six (36) .....	2.1 acres

2. In Township four (4) Range twenty-six (26), West of the Fourth Meridian.

Section thirty (30) .....	78.8 acres
Section twenty-nine (29) .....	79.4 acres
Section thirty-two (32) .....	11.9 acres
Section thirty-three (33) .....	4.8 acres
Section twenty-eight (28) .....	55.1 acres
Section twenty-one (21) .....	46.3 acres
Section twenty-two (22) .....	91.3 acres
Section fifteen (15) .....	2.9 acres
Section twenty-three (23) .....	28.8 acres
Section fourteen (14) .....	44.3 acres
Section twenty-four (24) .....	20.4 acres
Section thirteen (13) .....	45.8 acres
Section twelve (12) .....	72.2 acres

3. In Township four (4) Range twenty-five (25), West of the Fourth Meridian.

Section seven (7) .....	59.8 acres
Section eighteen (18) .....	90.7 acres
Section nineteen (19) .....	29.2 acres
Section thirty (30) .....	7.8 acres
Section twenty-nine (29) .....	99.1 acres
Section twenty-eight (28) .....	7.4 acres
Section thirty-two (32) .....	48.7 acres
Section thirty-three (33) .....	1.3 acres

4. In township five (5), Range twenty-five (25), West of the Fourth Meridian.

Section five (5) .....	16.9 acres
Section four (4) .....	83.2 acres
Section three (3) .....	108.7 acres
Section ten (10) .....	21.8 acres
Section eleven (11) .....	38.8 acres
Section two (2) .....	3.9 acres
Section twelve (12) .....	71.4 acres
Section seven (7) .....	39.0 acres

Containing together by admeasurement sixteen hundred and seventy-six and six tenths of an acre, be the same more or less.

MINISTER OF AGRICULTURE  
ALBERTAParliament Building,  
Edmonton, Alberta,  
March 28, 1956.Mr. R. F. Battle,  
Regional Supervisor of Indian Agencies,  
Indian Affairs Branch,  
628 Public Building,  
Calgary, Alberta.

Dear Mr. Battle:

Further to your letter of May 31st, 1955 and your previous discussions with Dr. Longman, former Deputy Minister of Agriculture, re a water license for irrigating 2,000 acres.

I understand the Government of Canada through P.F.R.A. has agreed to carry the water in the Belly River diversion canal and to deliver sufficient water at an agreed point for the irrigation of 2,000 acres of land, subject to the Alberta Government issuing the water license right.

I wish to advise that the Alberta Government agrees to issue a water license right to the Blood Indian Band or to the Indian Department, whichever is proper, for the irrigating of 2,000 acres of land by the delivery of up to 3,000 acres feet of water annually to the Blood Indian Band at a point, to be determined by the Band and the Government of Canada, through the Department of Agriculture.

Yours very truly,

L. C. Halmrast,  
Minister of Agriculture.

MINISTER OF AGRICULTURE—ALBERTA

Parliament Building,  
Edmonton, Alberta,  
March 28, 1956.Mr. R. F. Battle,  
Regional Supervisor of Indian Agencies,  
Indian Affairs Branch,  
Calgary, Alberta.

Dear Mr. Battle:

In view of the fact that the Government of Canada has approved of the payment of \$310,000 to the Blood Indian Band for the right to build a canal across the Reservation in accordance with the Surrender Document and have also approved of expenditures to proceed with construction of the Belly River diversion dam and connecting canal, I am writing you at this time respecting the application mentioned in your letter of May 31, 1955, for a water right license of 25,000 acres of land in the northern portion of the Blood Reserve.

Since the conditions stated in a letter from Dr. Longman to you dated June 1, 1955, have now been met, I wish to advise you of the decision of the Government of Alberta respecting the application for water for the 25,000 acres in question.

The Government of Alberta is prepared to issue a water license right for 25,000 acres of land in the northern portion of the Reserve subject to the following conditions:

1. That the Government of Canada through the construction of the Waterton Dam and reservoir, the connection works to the Belly River diversion dam and the connecting works to the St. Mary Reservoir, assures Alberta of an adequate water supply to fulfill commitments arising from this officer;

2. that the water right license will be granted to the Blood Indian Band only on the understanding that the lands so irrigated shall be used solely by the members of the Band and that the Band will be responsible for the cost of all distributory works, maintenance and water rentals;

3. that the waters involved in this water license remain within the jurisdiction of the Government of Alberta;

4. that this officer of a water license right will expire on December 31, 1966, unless detailed plans and specifications of all works which are necessary for the utilization of the diverted water are filed with and approved by the Minister pursuant to The Water Resources Act and thereafter the provisions of The Water Resources Act shall apply to this development.

Yours very truly,  
L. C. Halmrast,  
Minister of Agriculture.

#### APPENDIX "L2"

PARTICIPATION OF INDIANS THROUGHOUT CANADA IN VARIOUS CATEGORICAL ALLOWANCES AS AT DECEMBER 31, 1959

	Family Allowances	Old Age Security	Old Age Assistance	Blind Persons' Allowances	Disabled Persons' Allowances	Other Social* Allowances
P.E.I.....	28	11	2	2	1	—
Nova Scotia.....	381	80	32	5	8	10
New Brunswick...	390	83	42	7	1	45
Quebec.....	2,047	488	181	12	67	129
Ontario.....	6,051	1,376	484	56	185	448
Manitoba.....	3,569	619	272	37	17	26
Saskatchewan.....	3,591	448	210	57	18	57
Alberta.....	2,858	410	208	36	21	201
British Columbia..	5,225	943	357	96	61	54
N.W.T.....	796	170	69	11	6	—
Yukon.....	401	102	36	3	4	2
<b>TOTAL.....</b>	<b>25,337</b>	<b>4,730</b>	<b>1,893</b>	<b>322</b>	<b>388</b>	<b>972</b>

\* Mothers' Allowances, Old Age Band Allowances, etc.

Old Age Assistance, Blind Persons' Allowances and Disabled Persons' Allowances are payable subject to a means test. These allowances are administered by the provinces but Indian agency resources are used extensively in assisting Indians to apply, in verifying age and in securing information for the means test calculations. In most cases wherever Indians are not familiar with the terms of eligibility, the Indian Superintendent takes the initiative in the preparation of the necessary applications and documentation. This is a function and responsibility of all Indian agency offices and this duty of the Indian agency superintendent is covered by Departmental instructions.

*Note*

In regard to the Blood Agency, the following Band members are receiving the pensions shown, as at December 31, 1959:—

Family Allowances .....	439
Old Age Security .....	43
Old Age Assistance .....	22
Blind Persons' Allowances .....	—
Disabled Persons' Allowances .....	2

There were two former recipients of Blind Persons' Allowances who have died. In checking with the Indian Superintendent we were informed that no Indians of the Blood Reserve at the present time are eligible, as far as he is aware, for assistance under the Blind Persons' Allowances Act and Regulations. Indians who might be eligible are expected to make application but, in addition, the Superintendent is required to take the initiative on behalf of Indians in this category on the Reserve.

## APPENDIX "L3"

SUPPLEMENTARY BRIEF OF THE CATHOLIC INDIANS  
OF THE BLACKFOOT RESERVE

- Supplementary Brief forwarded to the Joint Committee of the Senate and the House of Commons,
- By Joseph Good Eagle, President of the Local Branch of the Catholic Indian League of Alberta,
- Representing the Catholic Indian Parents of the Blackfoot Reserve at Cluny and Gleichen, Alberta, who formulated their Resolutions at the January Meeting of their Local Branch.

*Preliminary Remarks.*

As indicated by the title, this document and the resolutions enclosed, are to be considered as a supplement to the Brief that you already have received through Mr. Maurice MacDougal and Mr. Tommy Cardinal, who appeared before your Committee some weeks ago.

Truly, along with the Indians of this Province, we are grateful for the concern and growing tendency amongst our fellow white citizens, and particularly on the part of those in government, who are honestly, objectively, seeking to grasp the educational, economical and social condition of the Canadian Indian, and who are ready to accept us as intelligent human beings, capable of thinking for ourselves, of forming opinions in matters that concern us, of having ambitions and desires that are sound.

We strongly and whole-heartedly endorse the 'Introductory Remarks' of the above mentioned Brief. The description therein of the principles of education, and of our basic rights in this matter, of the principles of integration and of the way it should proceed, is very clear, straightforward, and realistic.

In the same spirit that animates this whole Brief, we would now like to present, once again as a supplement to this same Brief, our Resolutions pertaining to the future of education on our Reserve for its Catholic Citizens. Our desire is to restate only those of the Brief's Resolutions which regard Indian Education, and inasmuch as they concern conditions here on our Reserve.

We would also like to point out that these Resolutions are, at the same time, a paraphrased reiteration of an unacknowledged letter of Resolutions submitted to the Indian Affairs Branch, January 5th, 1959.



As a body, therefore, we strongly request the following:

Whereas the number of Blackfoot Indian Students who are reaching High School level is increasing rapidly, and the problem of High School education for our children must be met so as to be of the utmost benefit to both ourselves and society as a whole,

and whereas the current policy of the Federal Government in its application will deprive us of future leadership, and trained personnel, and will ensure perpetuating the formation of second class citizens under continual wardship,

and whereas, aware of the experience of other regions, knowing our people and our children, we feel that an all-Indian School will bring better over-all results, and that furthermore, the budding and yet unofficially approved High School, together with the School as a whole, is becoming here a center of community life, a source of culture and enlightenment for our community, as Residential Schools elsewhere in this respect have proved they do,

a—we, as parents in virtue of Article 117 of the Indian Act, resolve that our children receive their education at all levels, especially at the High School level, in the all-Indian Catholic School that we now have on the Reserve,

b—and that therefore, proper accommodation be prepared at the Crowfoot School, which, to answer immediate needs, should consist of more teacher housing in order to accommodate married teachers and their children, a school block with facilities allowing for a fully equipped high school, Home Economics, Workshop and Terminal Course program,

c—and that we also obtain a qualified music teacher and a recreational director,

d—and that by way of recreational facilities, of gymnasium be built for the girls, and that two additional rinks be constructed for use by the small boys and by the girls.

Conclusion: Expressed above are our desires as a group of Catholic Parents. In the past years, our petitions, as in other regions of Alberta, have gone unheard. We hope that those who are responsible for the destiny of our people will appreciate our present positive interest and desire to help in the molding of our own future.

JOE GOOD EAGLE

## APPENDIX "L4"

### CHIPEWYAN CREE BAND—ALBERTA

Request of the Indians of the Cree Band of Fort Chipewyan, Alberta,  
to be presented to the Joint Committee of the Senate and the  
House of Commons, on Indian Affairs.

Our problem is only a local and particular one, but we do hope that the Commission will take it into consideration and will use its influence to bring it to a final solution.

Situated in a remote area of Northern Alberta, Fort Chipewyan remains cut off from the main services of communications, and apparently there is no sign that a change can be expected in the near future. There is also no promise of industrial development of any kind. This hinders the economical and social progress of our people and puts us in an under-privileged situation in comparison to the Indians of many other parts of the country.

For many families, hunting, trapping and fishing are still the main sources of living, but the more it goes the less it can be counted as a reliable source of revenue. Especially do the revenues from trapping fluctuate very much because of market prices which are generally very low and also because of

the scarcity of fur on certain trap-lines. Some of us turn now to work at sawmills or construction projects here and there, but these are always temporary and casual jobs.

What makes us worry more than the present situation, is the future outlook not only for ourselves, but most of all for our children. We have nothing to offer them to better their standards of living. What then can we give them to help them plan their future? These children receive a good education, but what can we offer them after they leave school? Will they have to leave their local environment to earn a livable wage? Even if some do so, the majority will always remain here, and it is here that we must try to provide them with an opportunity for progress and a higher standard of living.

It seems to us that if we could have a Reserve, a place of our own, where we would feel and be at home, this would give us an element of stability and of security for the present and also an opportunity to plan and organize the future for our children.

The only place we think suitable for a Reserve is located on the Northern bank of the Peace River on township 117 ranges 15 and 16. Our preference goes to this place because it is the only one with good soil that could eventually be used for farming. A good number of us have also their trap-lines around there.

Unfortunately this land is situated within the boundaries of the National Wood Buffalo Park. A few decades ago, when this land was to be turned into a National Park, our Band had been offered a Reserve in it. At that time there did not seem to be a necessity for it, and the offer was turned down. It will probably be more difficult now to establish a Reserve in the Park, but yet, it is the only suitable location we can think of.

We are aware of the efforts made by our local Agent, Mr. J. W. Stewart, in order to obtain that Reserve. We are grateful to Mr. R. F. Battle, Regional Supervisor of Indian Agencies, who for several years has tried to negotiate arrangements. But since we are now given the opportunity to directly express our requests and wishes, we want to use the opportunity to call to the attention of the Joint Committee our particular problem.

We are aware however that the Committee is more concerned in working for the general welfare of the Indians rather than in dealing with particular and local problems. However, since the attention of the Committee has been called especially on the economic and social status of the Indians, the Cree Band of Fort Chipewyan is confident that the Committee will use its influence and its power of recommendation to hasten the solution of their problem.

At Fort Chipewyan, Alberta  
December 26, 1959.

JOHN CAWI, *Chief.*

## APPENDIX "L5"

### FARM WOMEN'S UNION OF ALBERTA

#### *To the Parliamentary Committee on Indian Affairs*

This brief is presented on behalf of the Farm Women's Union of Alberta.

Our organization has, over the years studied the problem of integrating the Indian Canadians into our Canadian society, and has expressed concern from time to time, with the apparent lack of progress.

The following suggestions are presented with the hope that they may be of value to those responsible for the direction of the affairs of the Indian Canadian. Our desire is that there may be created a social climate in which Indian Canadians may be helped to re-establish a culture and a society which will be a credit to all Canadians.

### *The Background of the Problem*

Dr. Ben Reifel, Area Director to the Northern Montana Work Conference on Indian Education, in a paper published in "Indian Education" on April 15, 1957, pointed out three fundamental differences in the Indian outlook on life as compared to the white man's outlook. These three differences are:

(a) The concept of time. In our white society everything is regulated by the clock. Our society would not operate otherwise. To the Indian there is no need to be concerned about such matters, except in a general way, around certain happenings of nature.

(b) Saving—in the economic sense. This is one of the dominating drives of our society—savings for old age, for special purchases, for holidays, for educating our families, etc. This concept did not apply to the Indian society. He could not save, and has no need of such habits.

(c) Continued hard work, over the most of a life-time, including steady and regular attendance at school during childhood. This too, had no place in Indian society. Other than hunting by the men when necessary, and the very primitive preparation of food and clothing by the women, work had no purpose.

The adjustment necessary to completely change these three fundamental social factors is very great. It cannot be done easily or simply. But our efforts must be directed toward (1) making the need for such adjustment apparent to our Indian Canadians, (2) getting them to accept this need, and (3) providing the institutions and personnel by which this adjustment can be made.

We would stress one other point—progress takes place as a people develop their own desires, do their own planning, set up their own rules, and work their own way through their own problems. We strongly favor the principle of self help, and urge that this principle be always in mind.

### *1. Education*

#### *(a) Curriculum*

A special curriculum should be set up for our Indian schools. This curriculum should stress (1) pride in the past history of their people, a history of some of their great leaders, an objective account of their past society, a recognition of the signing of their treaties; a study of their treaties; and biographies (preferably autobiographies) of a number of Indian Canadians who have been successful in our present society.

Above all, the picture of the savage, ruthless Indian of many of our history books and cheap movies and western magazines needs to be at least placed in proper perspective—that of a simple, primitive people fighting a desperate and losing battle for their existence.

The curriculum should also encourage the development of those latent skills with which many of our Indian Canadians are endowed—specifically manual and artistic skills.

#### *(b) Financing of Education*

We recommend that the treaty obligations of the Federal Government in this regard be fully accepted, and that all necessary expenditures be made, to effectively meet the educational needs.

(c) We recommend that administration of Indian Schools be directly under the supervision of the Provincial Department of Education, rather than under the auspices of religious bodies, and that specially trained personnel be in charge—the provinces to be reimbursed for the necessary expenses incurred in this connection.

(d) Finally, we recommend that Indian Canadian personnel be trained and employed whenever possible, to serve their own people in any and all semi-professional and professional capacities. Special attention should be directed to this end.

## 2. *Economically*

(a) We recommend that Indians be allowed to move, and work, off the reserves without jeopardizing their status as Indians.

(b) We recommend that assistance and encouragement be given in establishing industries on Reserves, particularly those industries in which the Indians may participate in groups—such as lumbering, cattle or sheep ranching, etc, which are suited to the Indians outdoor tendencies, and which could encourage co-operation rather than competition among them.

(c) Further to (b) above, we urge that special training courses, similar to those held at the Olds School of Agriculture, be further developed in order to prepare young Canadian Indian adults for any industry in which openings may exist.

## 3. *General*

(a) We recommend that competent legal advice be available to our Indian Canadians, at Federal Government expense, with particular concern for legal direction and advice to the recognized Indian organizations. Such organizations, in the past, have often been ineffective because they did not know how to proceed in the matter of presenting their problems or making their views known.

(b) We believe that careful consideration should be given to all requests presented by the Indian groups. Here again the actual problem may not be properly outlined due to language and sociological difficulties, and some further help may be needed to isolate and delineate the problem.

(c) We believe that extremely harsh measures should be employed against anyone who encourages law-breaking and delinquency among Indian Canadians. Every effort should be made to obtain the co-operation of Indian Canadians apprehending such people.

(d) We believe that the Indian Treaties, like all other treaties, are contractual obligations—the conditions of which must be accepted and discharged in full by the contracting parties. We further believe that no treaty can be changed without the full knowledge and consent of all parties concerned, and we urge that our Federal Government scrupulously adhere to this principle.

(e) We attach hereto as part of this submission the policy of our organization, as passed by our convention in December 1959.

Respectfully submitted on behalf of the

FARM WOMEN'S UNION OF ALBERTA.



## POLICY ON INDIAN AFFAIRS

RESOLVED that the Farm Women's Union of Alberta adopt as policy relative to the Indian people, the following:

1. We respect the right of the Indian people to maintain and develop their own culture.
2. We believe all promises made to the Indians in their original Treaties should be kept.
3. We believe all Canadian Indians should have the same recourse to law as other Canadians, and should have access to a Federal Government appointed lawyer.
4. We believe that all Canadian Indians should evolve to the Canadian citizenship right of the franchise, with no other restrictions or penalties than are applicable to all Canadians.
5. As at this time the majority of the Canadian Indian people are underprivileged in comparison to the general Canadian and Alberta education and economic standards and opportunities, we believe this should be remedied as soon as possible, with these programs:
  - (a) Full opportunity for elementary, junior high and high school education for all Indian children, and vocational and professional training for each Indian child to the full extent of his capabilities, and to equip her or him for employment within, or outside the Reserve, and with at least 25% increase in grants-in-aid to be made to those students at public, high, technical or business schools outside the Reserve, to meet the increased cost of tuition, books, board and lodging, and with the Indian Act statement that Indian children be not forced to attend either Protestant or Catholic schools counter to their faith, adhered to, completely impartially.
  - (b) Research and assistance in improving occupational methods and output.
  - (c) Monetary and personal assistance, and every encouragement possible in developing native skills and arts.
  - (d) Citizenship training of vision and sensitivity and appreciation of Indian culture, and leadership training of the elected Treaty Reserve Councils, and Indian community leaders other than of the Treaty Reserves.
6. We believe that the Indian Affairs Branch should give employee preference to, develop vocational opportunities for, and give every encouragement to, Indian young people with special and professional training to return to the Reserves with these advantages in mind:
  - (a) Assisting the maintenance of the Indian cultures;
  - (b) Raising the standards of life among the Indian people with the insight and appreciation of their needs being better envisioned and served by their own trained young people;
  - (c) The dual stimulation presented Indian Youth: the one of Indian example and the other the challenge of fulfilling the needs of his Indian community.
7. We agree that the request of the Alberta Indian Association for at least one trained social worker on each Reserve, is necessary to assist Indian families in making the many adjustments due to industrial impact and other stress. We disapprove of the present allocation of only one Social Worker for the whole province.

8. That the Alberta Government pursue agreement with the Dominion Government to the end that more provincial responsibility may be assumed for the education of Indian Children.
9. That we endorse the six recommendations of the Cameron Commission Report, as included below.
10. That thorough study be made as to whether integration in schools is the best policy; and if so, how Indian children can best be prepared for this policy.
11. That where integration is considered best, special education be given non-Indian children that they may appreciate and understand the heritage and problems of the Indian children during a period of adjustment.
12. That the courses of studies, particularly social studies, be scrutinized to see that a fair and proper treatment is given to the place of the Indian people in the history of Canada.
13. That the whole education program envisioned in this report be extended to Indian children.
14. That adult education programs designed to assist the Indian people to a greater degree of citizenship be undertaken.
15. That Indian children be not denied the right to an education because of lack of finances of their parents.

#### APPENDIX "L6"

### SAMSON, MONTANA, ERMINESKIN AND LOUIS BULL BANDS—ALBERTA INDIAN ACT AMENDMENT BRIEF HOBBEMA INDIAN BANDS

We, the members of the four Band Councils at Hobbema, submit the following brief for consideration by the Joint Committee regarding proposed changes that we feel should be implemented in the Indian Act.

Each change was considered by the four Councils of the Hobbema Reserves at a general meeting held on February eleventh and twelfth for this purpose. This presents only the wishes of the majority of those present.

**SECTION 4 (2):** This section reads: "The Governor in Council may...". It is requested that this be amended to read: "The Governor in Council with the consent of Band Council may..." (Moved by John Samson)

**REASONS:** This change is requested as the Indians of the Hobbema Bands feel that too much authority has been given to the Governing Body without the necessity of consulting the Indians.

**SECTION 64 (h):** Amend section to allow loans to beginners without security. Also amend section to allow loans not to exceed value of chattels in all other cases. (Moved by Dan Johnson)

**REASONS:** It has been found that few, if any, young Indian farmers starting out have enough chattels of their own to allow them to apply for a loan of sufficient size to purchase good machinery and this has lead directly to many young men failing as farmers, partly due to their not being able to secure equipment.

**SECTION 64 (h):....**

In the case of established farmers the security value of equipment owned by the farmer should be increased to equal the value of the loan as the items purchased by loan are always held on chattel mortgage together with the other security, which in effect, gives the Band three times the value of the equipment as security.

**SECTION 64 (h) (ii):** Delete this paragraph (ii) dealing with Certificates of Possession entirely. (Moved by Howard Buffalo)

**REASONS:** The original treaties set the land aside and established reserves for the use and benefit of the Indians as a group and as this land is held common no certificates of possession should be issued, nor used as security in Band Loans.

**SECTION 67 (1) (2) (3):** Each subsection begins "Where the Minister is satisfied . . .". It is requested that these be amended to read: "Where the Band Council is satisfied . . .". (Moved by John Samson)

**REASONS:** This amendment is requested as the Indians feel that there is no one better qualified nor in a better position to know the actions of the individual in the cases outlined than the Band Councils and they should be given more authority. It was also felt too much time was lost when the reports had to be sent to Ottawa to await the Minister's decision.

**SECTION 108 (2):** Delete beginning at, "On the recommendations of the Minister . . ." to the end of the subsection. This makes the subsection agree with the former Act and repeals the additional phrase as amended in 1956, c40, s 26. (Moved by Sam Curry)

**REASONS:** Band members do not feel that an Indian woman should not have the right to deprive her Indian children who were born into Treaty, of their Indian status and Treaty rights, nor that an Indian man should have these same rights on application for enfranchisement. The Indians believe that all children born as Indians should remain so until such time as they reach the age of 21 and can make their own application for enfranchisement; or, as in the case of a girl, to marry a non-Indian.

It has also been noted that Indian widows with large families have been marrying non-Indians primarily to get the money due both themselves and their children, in one lump sum. This deprives Indian children of the treaty rights and a chance to make their own decision on coming of age. The Indians feel that the children are not being protected.

It appeared that the rest of the section could remain as it was felt that all men should have the right to choose their own destiny, but that all minors should be protected.

**SECTIONS 110, 111, 112:** Delete these three sections dealing with enfranchisement entirely. (Moved by Abe Saddleback and John Samson)

**REASONS:** According to the original Indian Treaties all Reserve lands were to be held in common. The sections mentioned above are a good way to break up Indian Reserves. Further, the Indian of today is far below the non-Indian in standards of education, making it very difficult to compete with his fellow Canadians for employment.

If, however, certificates of possession are issued, Section 110, (1) only should be retained.

**SECTION 114:** Amend the section by deleting the word, "Minister" and and substituting the words, "Band Council". (Moved by Phillip Lightning).

**REASONS:** None given by recording secretary.

SECTION 115 (c): Amend so that no age limit will be a requirement. (Moved by Arnup Louis)

REASON: Not too clear, but it appeared that the Indians considered the present age limits shown as a maximum and not as a minimum. To remove age limit would allow children to continue at school as long as they were progressing in a satisfactory manner.

#### APPENDIX "L7"

#### TALL CREE BAND—ALBERTA

FORT VERMILION, ALTA.  
AUGUST, the 20th, 1959.

Mr. E. W. Innes,  
Committee Clerk,  
Committees and Private Legislation Branch  
House of Commons,  
Ottawa, Canada.

Re: Letter, Aug. 12th, 1959

Dear Mr. Innes,

I received your letter of August the 12, and just to-day, I could gather, representatives of all our local Reserve of Tallcree, to discuss and answer to your letter.

Regarding remarks to be made on the last Indian Act, it is hard for us to make any, for most of us, can't read and it never has been explained to us by anybody. However, we would like to talk more about suggestions to be made on our Reserve of Tallcree, to improve our social and economic conditions. First of all, we would like to have a piece of Land, of our own, in the Fort Vermilion, as we have none, in the present time. Quite a few families are living here in this small village, of the Fort Vermilion, but on stranger properties, and some of them in rented houses. It is hard for us to get any help from your Department, because we are not living on a Reserve, and therefore, we can't afford to have good homes, and most of them are far to be suitable for human beings. Where we live, in town, there is no place to make gardens which we could get a great help for our meals. This year, we are forced, for many of us, to have our children, as day-pupils. Just a very few can find steady work, locally, and the rest will be on straight relief, and you must know how it is hard to support good enough a family just with that income, with no gardens. Therefore, we are asking your Department to buy a local property where we could build a good permanent home, have a garden also.

In the present time, there are two nice properties that you could get easy. One is of Crown Land, over 60 acres, but just in bush, no broken land. The other one is in the border of the village: 400 acres, and 80 are in cultivation and the rest is still bush. This nice piece of land is now for sale, and will be an ideal place for the Indians, to organize a good permanent home, with a garden, plenty fire-wood, close to the River for water. Quite a few old Indian folks, like to live close to the stores and the Hospital, because the closest Reserves, are too far away, and they don't have any way of transportation for their medical care or food supplies.

Also, there are some Indian families who like to live close to the school and send their children as day-pupils, but, in the present time, they are living on stranger properties and they don't know when they will be chased out.



Moreover they can hardly get help from the Department, to improve their homes, because they don't live on a Reserve. Also some young Indian families cannot make their living any more on reserve just by trapping and want to live here where they can find permanent work, and have their children to go to the day-school, when the Indian Agent approve it.

The present land where most of our Indian families, are living, in this place is a real slum, a disgrace for any people to live, and we are asking that our home and economic conditions would have a serious study with some effects, in a near future. How can we raise children to be able to go along and live with white people, in such poor conditions home? We feel that we are rejected people from our close neighbour because we have nothing to show that we can compare with them: a slum, in this village, of the Fort Vermilion.

Would it be possible to have our actual situation improved in a near future for the sake of those who have to live in this place. We shouldn't be a group of people rejected by this community, because we are living such a miserable condition. The real Reserve of Tallcree is located at 70 miles from this town. There are a few families who are making there a good living, by trapping, and a little bit of farming, There is a good road made by Oil Companies up to 10 miles from the Reserve. On this road, two small bridges could be done and will give a permanent road so these Indians could come to town, any time, when they need to come to the Hospital to the Stores, or to see their children at the school. There are some seasons where they can't cross those creeks, and make it hard, when they have to bring a patient in, as it happens sometimes. This could be organized easy by the local Indian Agent, if he is really interested in the Welfare of the Indians.

Also, we would like to have, with us, an Indian Agent who would be really interested in us, We would like to have meetings with him more often so we could discuss our problems and needs, and this way, to improve our conditions. Since over five years, except a very few times, our Indian Agent has met us, together just at treaty time, and even there, he didn't give us much chance and time to talk, and he was always in a rush to go to an other place where he was doing the same thing, for the way we heard. We want to have the Indian Agent who loves the Indians, who respect them, and work with them with his heart, not only with the pencil, in the office where too often we were received with a cold attitude.

Regarding the land that we would like to have in this village, it is not because most of all we would like to live here, for we know well, that it is better for the children to be away from it, for too often they are spoiled by the bad ones of the place, and the more we will be on the Reserves, better it will be, but, some Indian families have to stay here, for they can't make a good living on the Reserve, so they could have the choice to make their living the best way they can.

In our meeting, the question has also been brought up that we would like to have the visit of the dentist more than once a year, for it makes it awful long for somebody who has a toothache to wait 8 or 10 months for the next visit of the dentist for we can't make the choice of the time when we will get a toothache.

Well, it could be some other problems that we would like to bring up, but they could be solved with the new Indian Agent, if he is interested in us. I do hope that these remarks, are not to condemn completely the good work done made by your Department, because a lot has been done, especially during the last years, but we just wanted to call to your attention those most urgent needs. Thanks for all what you did in the past for us. Thanks.

I remain yours very truly,

Louis Courtereille, Concellor.  
Tallcree Band, Fort Vermilion, Alta.

1960



Joint Committee of the Senate and the House of Commons  
on

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone  
and  
Mr. Noël Dorion, M.P.

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## MINUTES OF PROCEEDINGS AND EVIDENCE

No. 12



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THURSDAY, JUNE 16, 1960

FRIDAY, JUNE 17, 1960

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### WITNESSES:

Hon. John H. Sturdy, Assistant to the Premier, Province of Saskatchewan;  
Mr. Ray Woollam, Director of Saskatchewan Provincial Committee on  
Minority Groups; and Mr. Walter Hlady, Northern Training Officer,  
Centre for Community Studies, University of Saskatchewan.

*From the Department of Citizenship and Immigration:*

Mr. L. L. Brown, Special Assistant to the Director of Indian Affairs.

*From the Department of National Health and Welfare:*

Dr. P. E. Moore, Director, Indian and Northern Health Services.

## MEMBERS OF THE COMMITTEE

### FOR THE SENATE

Hon. James Gladstone,  
*Joint Chairman*,  
Hon. W. A. Boucher,  
Hon. D. A. Croll,  
Hon. V. Dupuis,  
Hon. M. M. Fergusson,  
Hon. R. B. Horner,

Hon. F. E. Inman,  
Hon. J. J. MacDonald,  
Hon. I. Méthot,  
Hon. S. J. Smith (*Kamloops*),  
Hon. J. W. Stambaugh,  
Hon. G. S. White—12

### FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, *Joint Chairman*,  
Mr. H. Badanai,  
Mr. G. W. Baldwin,  
Mr. M. E. Barrington,  
Mr. A. Cadieu,  
Mr. J. A. Charlton,  
Mr. F. G. Fane,  
Mr. D. R. Gundlock,  
Mr. M. A. Hardie,  
Mr. W. C. Henderson,  
Mr. F. Howard,  
Mr. W. H. Jorgenson,

Mr. S. J. Korchinski,  
Mr. R. Leduc,  
Mr. J. C. MacRae,  
Mr. J. J. Martel,  
Mr. H. C. McQuillan,  
Mr. H. J. Michaud,  
Hon. J. W. Pickersgill,  
Mr. A. E. Robinson,  
Mr. R. H. Small,  
Mr. E. Stefanson,  
Mr. W. H. A. Thomas,  
Mr. J. Wratten—24

Quorum—9

M. Slack,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

THURSDAY, June 16, 1960.

(32)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. with the Joint Chairman, Honourable Senator James Gladstone, and the Vice-Chairman, Mr. John Charlton, presiding.

*Present:*

*The Senate:* Honourable Senators Fergusson, Gladstone, Horner, Inman, MacDonald and Smith (*Kamloops*).

*The House of Commons:* Messrs. Badanai, Cadieu, Charlton, Henderson, Howard, Korchinski, Martel, Small, Stefanson and Wratten.

*In attendance:* Hon. John H. Sturdy, Assistant to the Premier, Province of Saskatchewan; Mr. Ray Woollam, Director of Saskatchewan Provincial Committee on Minority Groups and Walter Hlady, Northern Training Officer, Centre for Community Studies, University of Saskatchewan. *From the Department of Citizenship and Immigration:* Messrs. H. M. Jones, Director, Indian Affairs Branch; L. L. Brown, Special Assistant to the Director; C. I. Fairholm, Executive Assistant to the Director. *From the Department of National Health and Welfare:* Dr. P. E. Moore, Director, Indian and Northern Health Services.

Mr. Howard, a member of the Committee, introduced Messrs. Sturdy and Woollam.

*Agreed,*—That the submission by the Government of Saskatchewan be taken as read and included in this day's evidence.

Messrs. Sturdy and Woollam made comprehensive statements reviewing the history of Saskatchewan Indians and the various problems of Indian groups. Reference was made to the Saskatchewan government program on behalf of Indians and they also suggested recommendations to improve the living conditions of the Indian people.

The Committee proceeded to the consideration of the submission of the Government of Saskatchewan with Messrs. Sturdy and Woollam being questioned and supplying additional information thereon.

At 11.00 a.m., the Committee adjourned until 2.30 p.m. this day.

## AFTERNOON SITTING

(33)

The Committee resumed at 2.30 p.m., the Joint Chairman, Honourable Senator James Gladstone, and the Vice-Chairman, Mr. John Charlton, presided.

*Present:*

*The Senate:* Honourable Senators Boucher, Fergusson, Gladstone, Horner, Inman, MacDonald and Smith (*Kamloops*).



*The House of Commons:* Messrs. Cadieu, Charlton, Hardie, Henderson, Korchinski, Martel, Small, Stefanson, Thomas, and Wratten.

*In attendance:* Same as at morning sitting with the exception of Mr. Jones.

The Committee resumed consideration of the recommendations in the brief of the Government of Saskatchewan with Messrs. Sturdy and Woollam being questioned and supplying additional information thereon, assisted by Mr. Hlady.

Mr. Brown, Special Assistant to the Director of Indian Affairs, and Dr. Moore, Director of Indian and Northern Health Services, supplied information on related matters.

The questioning being continued, at 5.45 p.m., the Committee adjourned until 9.30 a.m. Friday, June 17.

FRIDAY, June 17, 1960.  
(34)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day. The Joint Chairman, Honourable Senator James Gladstone, and the Vice-Chairman, Mr. John Charlton, presided.

*Present:*

*The Senate:* Honourable Senators Fergusson, Gladstone, Horner, Inman, MacDonald.

*The House of Commons:* Messrs. Charlton, Henderson, McQuillan, Small, Stefanson, and Wratten.

*In attendance:* Hon. John H. Sturdy, Assistant to the Premier, Province of Saskatchewan; and Mr. Ray Woollam, Director of Saskatchewan Provincial Committee on Minority Groups. *From the Department of Citizenship and Immigration:* Mr. L. L. Brown, Special Assistant to the Director; and Mr. C. I. Fairholm, Executive Assistant to the Director.

The Committee resumed consideration of the recommendations in the brief of the Government of Saskatchewan with Messrs. Sturdy and Woollam being questioned and supplying additional information thereon.

The questioning being concluded, Mr. Sturdy thanked the Committee for their interest in the Saskatchewan Government brief.

At 11.00 a.m., the Committee adjourned until 9.30 a.m. Wednesday, June 22.

M. Slack,  
Clerk of the Committee.

## EVIDENCE

THURSDAY, June 16, 1960.

The VICE-CHAIRMAN: Ladies and gentlemen, I wonder if we could get started. Mr. Howard has asked to introduce the delegates this morning from the Saskatchewan government, so I would ask Mr. Howard to introduce these gentlemen now.

Mr. HOWARD: Mr. Chairman, I am very pleased to do so, having known both these gentlemen for some time. First is the Hon. Mr. Sturdy, who is a member of the provincial cabinet in Saskatchewan. From 1944 until 1948 he was minister of reconstruction and rehabilitation; from 1948 to 1956 he was minister of social welfare and rehabilitation; and from 1956 until the present time he has been a member of the cabinet, with the position of assistant to the Premier of Saskatchewan.

Mr. Woollam is the director of the Saskatchewan provincial committee on minority groups. I met Ray in my home constituency of Smithers when he was the minister of the United Church there, and prior to coming to work with the Saskatchewan government he was a minister in the United Church for some nine years.

I think perhaps, Mr. Chairman, that will be sufficient at this time. Thank you very much.

The VICE-CHAIRMAN: Thank you very much, Mr. Howard. If it is satisfactory to the committee, we will have this brief printed as read. Mr. Sturdy wants to make a statement first, and Mr. Woollam will continue with the brief. Is that right, Mr. Sturdy?

Hon. JOHN H. STURDY (*Minister without portfolio, and Assistant to the Premier of Saskatchewan*): That is right, Mr. Chairman.

The VICE-CHAIRMAN: Is it agreed that the brief be printed as read in the proceedings?

Mr. STEFANSON: Printed as submitted.

The VICE-CHAIRMAN: Yes, printed as submitted. There will be general remarks at the head of each conclusion and recommendation, I presume; and then we will have questioning on each segment of the brief before we pass on to the next, as has been usual. Is that satisfactory to the committee?

Agreed.

REGINA, Saskatchewan,  
January 15, 1960.

The Honourable Senator James Gladstone and  
Mr. Noel Dorion, M.P.,  
Joint Chairmen,  
Joint Committee of the Senate and the House of Commons  
on Indian Affairs,  
Ottawa, Ontario.

Dear Sirs:

I am pleased to transmit to your Committee a brief setting forth the views of the Government of Saskatchewan on questions relating to the lives and circumstances of our native Indian population.

Our submission attempts to describe and interpret the social and economic status of Indians in Saskatchewan as we have seen and understand it, and offers some suggestions as to how the status of our native Indians might be improved. This is in accordance with your invitation of July 21, 1959. The brief was prepared jointly by the Economic Advisory and Planning Board and the various departments of government interested in these matters, under the supervision of our Inter-departmental Committee on Minority Groups.

I trust that the briefs you receive and the representations made to your Committee will be helpful to you and your colleagues in your work.

Yours sincerely,

T. C. Douglas,  
*Premier.*

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## I. INTRODUCTION

Saskatchewan's present population includes some 23,000 Indians living in widely scattered, relatively small groups in the prairie and forest regions of the province. The Crees are the most numerous, but there are also significant numbers of Assiniboinis, Saulteaux and Chipewayans. The presence of these people in our midst reminds us that the white man is a newcomer to North America. The epic story of the peopling of this continent by men with a Stone Age culture, now known to be a process extending over many thousands of years, is the story of the Indian. Saskatchewan's Indians are the descendants of our first pioneers.

The first white man to set foot in Saskatchewan in 1690 was guided by Indians. Henry Kelsey was the first of many Europeans who relied on Indian manpower, skill, and knowledge to achieve purposes which were to have a lasting influence on Canadian development. This fact is usually overlooked by most Canadians, who assume that the only contribution which the Indians made to the white man was the surrender of his lands. It is forgotten that the fur trade dominated the economy of Western Canada for nearly two hundred years, and that on this economic foundation a political connection with the British Crown developed, from which a transcontinental federal union later emerged. The fur trade saved the West for Canada, and but for the Indian there would have been no fur trade.

The fur trade era was a dynamic period in the history of Saskatchewan and the west. At this time the relations of whites and Indians were intimate and, on the whole, friendly. Indian men trapped the fur bearing animals and manned the transportation system; Indian women prepared the furs for shipment, as well as the food required by the traders, canoemen and hunters. Under these circumstances the intermarriage of whites and Indians was not uncommon. Whites and Indians were associated in a common enterprise, which created an economic and social system marked by mutual respect and mutual aid. During the latter part of this period the Indians became the objects of Christian missionary enterprise, with its basic assumptions of the fundamental equality and worth of all men.

In the fur trade society the "problem of integration" had been solved. But unfortunately for the Indian, the white man abruptly destroyed (over a large part of Western Canada) the economic basis of this society. In 1870 the new Dominion of Canada acquired the vast area, including present-day Saskatchewan, which had comprised the empire of the fur trade. Every resource which the new nation could muster was immediately dedicated to the promotion of agricultural settlement. In this economic revolution the main food supply of the Plains Indians (the buffalo) was destroyed, and the fur trade became a relatively minor industry confined to the northern regions.

In this new and strange society the Indian was no longer a partner of the white man; overnight he became "a problem", his way of life an anachronism. His rights of occupancy of the land were an impediment to agricultural settlement. This difficulty (for the white man) was solved by the negotiation of a series of treaties in the 1870's whereby the Indians surrendered their claims in return for reserves, annuities, and a variety of government services and allowances.

The next "problem" was to integrate the Indian into a society which was predominantly agricultural and based on the institution of private property. Even under the most favorable circumstances the integration of the Indian into this new economy would have presented many difficulties for a people to whom all forms of agriculture were unknown. But to these difficulties were added the obstacles arising from the special character of agricultural



development in the Canadian plains region. It was only after much painful and costly experiment that the white man himself succeeded in discovering or developing farming practices and crop varieties which permitted successful agricultural operations. Many of these did not become available before the end of the first decade of the present century. Moreover, the white man's hard earned and somewhat precarious success was associated with the expenditure of ever-increasing amounts of capital and the acquisition of larger and larger acreages for grain growing or stock raising.

Technical assistance and capital advances on a large scale were, therefore, prerequisites to the effective integration of the Indian into a predominantly agrarian economy, and this aid was not forthcoming from the white community. Nor were there alternatives to agricultural activity save in the restricted trapping-fishing economy of the far north. If extractive or manufacturing industries had developed on a significant scale in Saskatchewan during the half-century following the Treaties with the Plains Indians, there would have been the possibility of integration in this type of economic enterprise.

By the middle of the twentieth century a number of Saskatchewan Indians had successfully integrated themselves in the white man's society and economy. But these were individual achievements, and the Indian community as a whole remained isolated and economically and socially depressed.

From time to time this chronic state of depression has given rise to public concern for the present problems and future prospects of Indian development in Canada. Recently a new surge of interest has occurred. That this interest is shared by the Government of Canada is shown by the establishment in 1959 of the Joint Committee of the Senate and the House of Commons on Indian Affairs. The position the Federal Government appears to have taken in recent years with respect to Indians provides for their eventual integration as full citizens in Canadian social and economic life. With this objective the Government of Saskatchewan is in full agreement, believing that full integration can be achieved without curtailing the Indians' traditional rights or reducing in any way the welfare and security they now enjoy.

Such an objective implies that a great deal of rethinking of policies and programs affecting Indians is necessary at all levels of government. Indeed the behaviour and attitudes of society as a whole must be radically changed if integration is ever to be achieved. The Government of Saskatchewan is well aware of the need for provincial governments re-appraising their own programs in order to contribute more effectively toward these goals. Our brief, however, deals primarily with problems of national concern and responsibility. It does so not because we believe these are the only problems that have to be solved but rather because the brief is directed to a committee of the Parliament of Canada.

## II. THE INDIANS OF SASKATCHEWAN

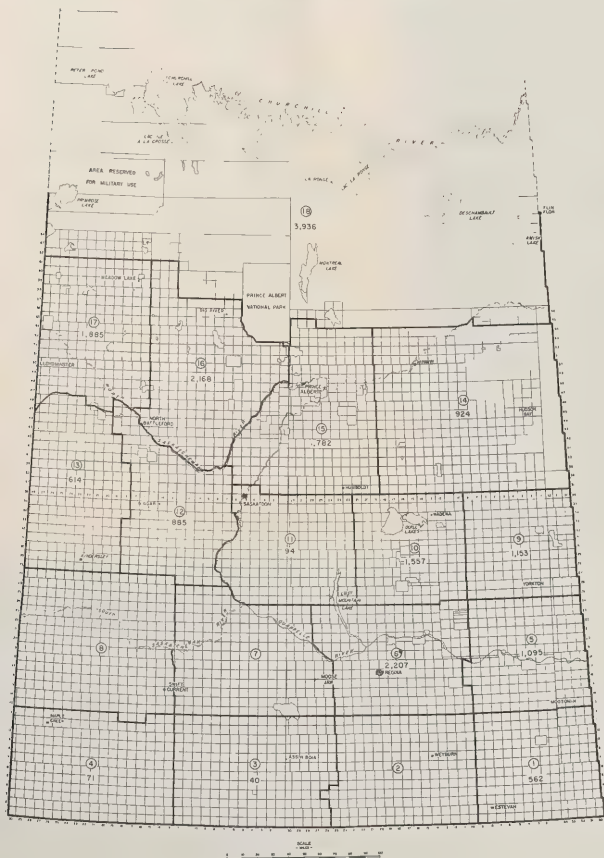
### *Population Characteristics*

Two broad areas of Indian population may be distinguished in Saskatchewan today. Almost one-fifth of the provincial total of 23,000 people is scattered in small groups throughout the broad expanse of forest, lake and rock extending northward from the province's forest belt to the Northwest Territories. These people depend primarily upon the fish, fur and game resources of the wooded northern regions. In the southern half of the province, the Indian reserves are concentrated in the area described by a diagonal band drawn from the North Battleford-Meadow Lake region on the north-west, to the Manitoba border on the south-east. Within this strip, census divisions 5,

# DISTRIBUTION OF INDIAN POPULATION

## BY CENSUS DIVISION

### SASKATCHEWAN, 1956





6, 9 and 10 at the south end and census divisions 15, 16 and 17 at its northern end have the highest concentrations of Indian population in the province. Farming is the basis of economic life in these areas. (See Map Page 5A and Table 6).

In Saskatchewan as a whole, the population of Indians on reserves is increasing at an accelerating rate. The increase was 9 percent between 1941 and 1946, 15 percent between 1946 and 1951 and 18 percent between 1951 and 1956. By August 1959, according to officials of the Indian Affairs Branch, the Indian population had jumped another 21 percent over that of 1956.

No significant differences seem to exist between the rates of population increase in various regions. Ten out of the fifteen Saskatchewan census divisions which contain reserves show an increase in Indian population in each of the three five-year periods. (See Table 1). Of these latter five divisions three have populations too small for trends to be significant. In the two remaining census divisions which also showed a decrease in one five-year period, the population increases in each of the other two periods more than offset the drop in the third.

There also appears to be no area by area co-relation between non-Indian population change and Indian population change. In contrast to the trend in the Indian population, in only one area, census division 18, was there an increase in non-Indian population in all three five-year periods. Two others show increases in the two most recent periods and five areas show a consistent decline. The Indian population increases generally and at an accelerating rate independently of whatever factors influence the rise and fall of the non-Indian population in the same census divisions.

Three factors—favourable age distribution, a rising birth rate, and a falling death rate—are pushing the Saskatchewan Indian population upwards.

In each of the four past years in which a Census of Indians in Canada was taken (1939, 1944, 1949, 1954), the proportion of the Indian population under 21 in Saskatchewan has been much higher than that of the same age group in the non-Indian population. The proportion of Indians under 21 ranged between 55 and 57 percent in these special census years. By contrast, in 1956, only about 45 percent of all persons in Saskatchewan were under age 21.

Live births per 1,000 Indian population averaged 81.5 during the past ten years. (Non-Indian live births per 1,000 averaged 25.8 during the same period) The number of live births per 1,000 Indian population has increased from an average of 64.8 in the 1941-45 period to an average of 82.4 in the most recent five-year period 1953-57 for which data is available. (See Table 4)

Since 1941, the Indian death rate in Saskatchewan has dropped from a high of 34.9 in 1942 to a low of 12.2 per 1,000 in 1958. The 1958 figure is close to the non-Indian death rate of 7.2 per 1,000. While the infant death rate of 81.2 per 1,000 live births in 1957 is far below the 1941 rate of 175.4, it is still much higher than the non-Indian rate of 21.4 per 1,000 live births. (See Table 5) Hence a further reduction in the death rate may be expected.

The combined effect of the present age distribution, the high birth rate and a declining death rate is likely to be a continuing rapid expansion of the Indian population in Saskatchewan for some time to come. This expansion assumes a particular significance when related to the concentration of people resident upon the limited reserves established by the treaties of the 1870's and the difficulties impeding a free outflow into the larger community. This outflow has been increasing, the numbers involved rising from 125, or one per cent of the total in 1942, to 724, or 3.7 percent in 1957. But despite both an absolute and relative gain, it is clear that the off-reserve migration rates of recent years have been much too low to effect static on-reserve population levels. In order to keep reserve population at the 1941 level, 17.4 percent of the reserve population would have had to leave by 1946. To maintain population



constant at the 1946 level, 26 percent would have had to leave by 1951. 13.9 percent left between 1951 and 1956, but 32 percent would have had to leave to keep the population at the 1951 level.

The significance of the rapid on-reserve population increase is indicated by the ratio of land to people. In Saskatchewan as a whole, the number of acres per head has dropped from 94 in 1941 to 60 in 1958. It is difficult, however, to judge how serious this problem really is, considering the fact that cultivated acreage per capita has risen from 3.65 in 1941 to 8.78 in 1956.<sup>1</sup>

It is not known whether the limits to the expansion of cultivated acreage have been reached or threaten to be reached in the farming areas. Nevertheless, decreased acreage per head combined with low cultivated acreage may be chiefly the sign of an unemployed population accumulating on the reserve at the present time. The implications of these data for the future may be serious, since it appears that the reserves are becoming less and less a possible place to earn a living from farming, and more and more merely a segregated domiciliary area for Indians.

### *Social and Cultural Background*

What information on the social and cultural aspects of Saskatchewan Indian life is available is derived almost entirely from studies carried out in the north under provincial government sponsorship. While many of the cultural patterns of Indians in northern Saskatchewan extend also to those who live in other parts of the province, it is known that the fish—and fur—resource based northern Indians are at a quite different stage of development from the agriculturally-oriented bands of the south. There is also evidence that the Indian who lives in an urban centre is acutely aware of social and cultural dislocation caused by transition from the social setting of the reserve to the urban environment. Unfortunately, information concerning the social and cultural aspects of the lives of the southern agricultural, or urban groups, is fragmentary and incomplete, in spite of the fact that these groups comprise four-fifths of Saskatchewan's total Indian population. Program planning on behalf of Saskatchewan Indians obviously rests on insecure foundations without the insights derived from adequate knowledge and understanding.

In spite of gaps in our information, it seems necessary to advance in a tentative way certain observations regarding the cultural and social life of Saskatchewan Indians. The following comment is derived from two main sources: the various studies carried out with northern groups and the experience of trained government personnel whose work has brought them into contact with the more southerly groups. It is important to consider certain aspects of the Indian's "original" culture and its values, and the process of interaction between old and new values, particularly as these factors affect the ability of the Indian to adjust to a "new way of life."

### *Aspects of Traditional Culture*

One of the more significant aspects of indigenous Indian culture has been its relative informality. Carried over into home and family life it contrasts sharply with non-Indian patterns which seem rigid and formal by comparison. A permissive approach to habits of eating, sleeping and the training of children, is a fundamental factor in the development of the Indian attitude towards established routines and this conflicts with the habits and attitudes of the dominant society.

Again an important conflict may arise because of the traditional concepts of time and the future. There was little in the old way of life which could

<sup>1</sup>Source: *Annual Reports, Department of Citizenship and Immigration* \*Queen's Printer, Ottawa. (Data on cultivated acreage is not given for 1958).

make our system of dealing with time meaningful to the Indian, and hence our code of eight hours work, eight hours sleep, eight hours leisure is often violated by the Indian who has little off-reserve experience. The rigid training we receive during infancy, childhood and adult life, concerning how we should orient ourselves in time, he has never experienced. As a result, time does not have the same significance for the Indian that it has for the White man. Sending children to school at a certain strict hour, for example, cuts strongly across a concept of time relating to natural phenomena like the sun and seasons.

Indians in the past found the essence of life in being, not becoming. They were not future-oriented. One result of this centering of interest in the present has been difficulty in conforming to the expectations of employers. Indians, particularly in the north, may work a day, collect their pay, and then not return for a week or so when they are in need of more money. Like their exploitation of the bush for food and fuel, they take what they need for now and no more.

Cycle employment, i.e. employment at different jobs in a regular annual sequence usually interspersed with regular periods of unemployment. "fits" this concept of time and the future, and, reinforced by it, tends to create both social patterns and attitudes toward steady work which are a hindrance to year-round employment and to acceptance in non-Indian communities. The components of annual employment cycles vary from region to region, but the example of winter trapping, a holiday, spring fishing, a holiday, summer wage employment, a holiday, and then winter trapping again, may be given.

It can be seen that the establishment of social patterns based on annual employment cycles involved only minor adaptations of the former hunting-based culture for the Indian, who always did exist in an economy of feast and famine. When there was game they ate and when there was none they starved. Now they are faced with a similar situation, only it is money instead of meat. At the end of each phase in the employment cycle, the cash which is available is spent. Money is used to buy, not to save. Even all the seasonal resource-based employment, plus the summer wage jobs, are too irregular to be considered as a basis for family budgeting since income is uncertain, and subject to unpredictable factors such as weather, markets and price fluctuations. Thus cycle employment not only develops attitudes towards work which are a hindrance to permanent job holding, it also reinforces social patterns which are unacceptable in non-Indian communities.

The principle of sharing whereby the Indian who was successful in the hunt, or in acquiring other assets, shared his wealth with other members of the community, was a strength in the old culture since it ensured a reasonable distribution of vital goods and provided for the needy. Today many non-Indians see in it a problem since sharing may, for example, allow the lazy trapper to take advantage of the more ambitious trapper and thereby discourage the latter from working hard. Sharing of goods does conflict with the non-Indian approach to property in a way which creates social and economic difficulties for the Indian who tries to "get ahead" in the non-Indian sense.

The non-Indian competition for goods is looked upon with distaste by Indians who consider Whites hoarders. Indian imitators are shunned. Fear of ostracism and ridicule, and fear of future need is effective in preventing hoarding on the part of most Indians. The first member of an Indian reserve to establish himself in a city will be expected to provide for those who follow him to the city, or who become unemployed or ill after they have been there some time. The alternative is for him to cut himself off from his friends—a step which few Indians are willing to take.

Sharing, then, is a culture trait which raises barriers against upward economic mobility of the individual Indian on the reserve, and one which may make it particularly difficult for the Indian to adjust to urban non-Indian life.

Studies done in northern Saskatchewan revealed that in relationships among themselves Indians carefully avoided open evidences of conflict. This desire to maintain an outward appearance of equanimity is often carried over into relationships with Whites in extreme forms.

Rather than face an open dispute with a White man the Indian either will appear to agree with him or will evade coming to grips with the difficulty. This represents some problems to Indians in wage employment, for example, since the Indian may leave the job if he feels aggrieved, without saying anything to anyone, even if this means going without picking up the wages due him. Even where grievance procedure may have been explained to him, the Indian frequently prefers to withdraw rather than to voice his complaints.

With respect to community social organization, to a large extent today, as in former times, a group of Indians feel themselves to be a collection of individual family units rather than a community in the usual sense. Each family unit considers itself self-sufficient despite evidence to the contrary. Authority is not vested in any one individual; family units are responsible only to themselves. This atomistic conception held by members of the group makes difficult the development of even elementary community or social organization.

A field worker in the Saskatchewan Department of Social Welfare was struck by the absorption of the Metis and Indians in matters of day-to-day survival and the lack of any appreciable evidence of responsibility in other areas. She noted that the poverty in settlements is not only financial poverty. It is a poverty in living in broadest terms which prohibits activity that would make settlements cohesive communities and which precludes the possibility of any real interest or concern about matters outside the immediate environment.

### *Social and Cultural Interaction*

New values have been imposed upon traditional Indian culture and new socio-economic structures upon his former way of life. Laws and special services have been designed to help Indian to overcome the difficulties of the adjustment to these new ways. The Saskatchewan Indian today lives between the two cultures. While he cannot reverse the process of change, neither is he able to cope with the dislocation it brings. Outlined here are certain effects of cross-cultural conflict which have been noted by social workers and sociologists in Saskatchewan.

In the north observers have noted that there is identification with white persons to the extent that many Metis and Indians are adopting white persons' attitudes towards themselves. The result is a lack of self respect in native people. There is also evidence of a desire to live more like white people and to enjoy the white man's easier style of living but at the same time the opportunity for positive identification with white people is so limited that little real understanding of non-Indian culture is possible for most Indians. Lack of common interests, lack of understanding and fear-based hostility limits social contact between Indian and non-Indian persons.

The development of uranium mining has brought the cultures of the white men and the Chipeweyan Indian into contact in the north. Very few of the Indians have been able to make effective adjustments, and almost none at



all participate to advantage in these developments. In the south, the difficulties Indians experience in taking advantage of the opportunities of off-reserve life indicate that the barrier of social and cultural differences is a formidable one here also.

Cross-cultural contact has not only shown the barriers which exist between Indian and White cultures, it has also developed clearcut lines of demarcation within the native group itself. In the north it is frequently impossible to tell the difference between Metis and Indian by appearance. The legal status and its attendant attitudes are the major differences, yet some research workers in the north describe an elaborate caste structure which has developed along racial lines with intermediate gradations based on the degree to which the individual's aspirations resemble those of the group above, or below, his own. The Indian; the Indian veteran; the Indian who "tries to live like a White"; the Metis who lives like an Indian; the Metis who is employed where he has daily on-the-job contact with Whites; and the Whites: these are the hierarchical groups.

In the south the on-reserve cultural conflicts caused by transition from one way of life to another often take the form of a split between the older generation and the younger ones who have more education and wider off-reserve experience.

An obvious manifestation of the difficulties stemming from the conflict of cultures is to be seen in the problem of delinquency. The high rate of juvenile delinquency among Indians has been attributed to boredom and lack of stimulation caused by the three closely related problems of education, vocation, and cultural conflict, together with the absence of recreation facilities. There is little incentive to education. Not only are most interesting jobs seen as those reserved for whites, but there is also little stimulation toward education in the home.

In the north the main occupation of natives is either fishing or trapping. For these the child is better equipped if he stays out of school and develops skills by working with his parents at these occupations. Some see education as a means of getting out to the south, but much as many of them want this, the south looms as a frightening place that is far from family and friends and is more something to be talked about than earnestly reached for.

Some officials believe much juvenile delinquency is a result of enforced idleness due to a complete lack of any chance of gainful employment. Teenagers stand around pool halls for lack of other occupations. In some areas it has become the thing to do to "go down to P.A. for a month," i.e. to the jail at Prince Albert. Although this problem can be attributed in part to cultural conflicts, the underlying economic problem must not be ignored. This is discussed in greater detail in the chapter on employment.

At the adult level a great many Indians are judged offenders because of violations of the Indian Act and the Liquor Act. The Indian's problem frequently is not primarily criminal behaviour but that he is bound by different and more restrictive legislation. Almost all the convictions of female Indians and a great number of male convictions are the result either of the difference in "the law" as it applies to Indians, particularly the law regarding liquor, or of cultural definitions of the Indian as a "second class citizen." In a study<sup>1</sup> of the Sandy Bay-Island Falls area in Saskatchewan it was noted that Indians pleaded guilty to liquor charges in spite of the fact that no analysis of the evidence was made to determine whether the alcohol content of the exhibit was sufficient to warrant a charge; that Indian homes were entered without warrants; and that rarely was there any organized defence or defence counsel. The report noted that "The average Native without legal counsel can be compared with the soldier who goes into battle without weapons... There is

<sup>1</sup> *Sandy Bay Saskatchewan—A Social and Economic Study*. Walter M. Hlady, Sask. Dept. of Natural Resources, Sept. 1959.



little doubt that a Native will be convicted."<sup>1</sup> During a 20-month period there were two cases involving whites and 101 cases (100 convicted) involving Natives. Of the convictions 35 were for disturbance, 17 for intoxication, 15 for common assault, 9 for obstruction and 7 for wilful damage. The author notes that charges have been laid in the Indian part of this community whereas similar occurrences in the White section do not result in a charge. "In Island Falls (the White area) such behaviours is only high spirits and not sufficient reason for laying criminal charges."<sup>2</sup>

### *Cultural Differences as a Barrier to Transition*

The normal transitional pattern consists in a series of unsuccessful attempts to live off-reserve, each leading to a period back on the reserve, before the individual is able to maintain himself off-reserve permanently. There is evidence that in many instances the provision of help off-reserve on a basis comparable to that offered on the reserve, could have prevented these failures and the sense of inadequacy bred by them. Even with the disadvantages of reserve life, the Indian is more secure there than he can be with a great deal of effort outside. He is unable to attain the reserve standard of security until he has developed considerable skill in living "outside."

Most of what is known about the problems of off-reserve Indians has been gleaned from the experience of municipalities, government departments and city social welfare councils, where these come into contact with off-reserve Indians. The difficulties they identify are chiefly those Indians have in making use of specific services which are available and are discussed in the chapter on "Social Services." Obviously such difficulties as off-reserve Indians experience in making use of municipal, provincial or federal services are but one aspect of the much broader question at issue. A few of the more general problems of transition are discussed below.

Lack of understanding on the part of Indians of the values and expectations of a white community, and the hostile attitudes of non-Indians, lead to feelings of remoteness and inferiority on the part of Indians and Metis. The Indian is "out of touch" with both the authorities charged with administration on the reservation and with the people and groups which are the mainspring of urban life.

There is little or no knowledge of community resources, and anxieties in the using of these resources are felt. It appears that anxieties are accentuated by differences in cultural backgrounds, and by blanket imposing of white standards upon people of Indian descent. One city Indian expressed the feelings of the Indian newcomer to a city as follows: "On the reserve the Indian has long felt segregated and different. It did not matter too much; but when he comes to town this feeling grows stronger, and coupled with it a sense of discouragement because of the lack of education, and because so many doors are slammed in his face."<sup>3</sup>

### *Conclusions and Recommendations*

In summary it may be said that the direction of cultural change is irreversible; change will in fact probably continue at an accelerating rate. If programs are to be developed to mitigate the problems of the integration process, better information on the cultural background of Indians now on reserves is required. Research also needs to be done to provide information on the special needs and problems of people moving to the city from Metis settlements and Indian reserves.

<sup>1</sup>Ibid. page 21.

<sup>2</sup>Ibid. page 24.

<sup>3</sup>Quoted in *Our City Indians* Report of a conference under the auspices of the Regina Welfare Council, Regina 1958, page 5.

To smooth the integration process, which involves using services provided by municipal and provincial government agencies rather than services provided by the federal government, thought needs to be given to the co-ordination of services to Indians and Metis at all levels of government. At the 1958 Conference on City Indians convened by the Regina Welfare Council, it was noted that the problems of Indians and Metis were the same when they first came to the City. For this reason a joint approach seems best suited to fill the needs of these two related groups.

The following recommendations are therefore submitted:

1. The Federal Government should undertake or sponsor research into the cultural and social patterns both of Saskatchewan Indians who live on reserves, and also of those who are in the process of establishing themselves off the reserve.

2. A referral, or counselling, service should be established with a salaried person, preferably of Indian origin in charge in each Saskatchewan city with a large enough Indian population. Such a service would provide advice on the management of money, city services, buying and renting homes, and on medical and educational services.

3. An informational pamphlet in simple English on community resources should be prepared jointly by the Federal and Provincial governments. This would be made available to Indian people living in cities, to chiefs and councillors on reservations, and to government officials for distribution to Metis.

4. A "half-way house" for young Indians, particularly young Indian women, needs to be established in Saskatchewan cities. Such supervised accommodation might be provided in conjunction with the counselling service mentioned above, or in connection with the placement program discussed in the chapter on "Wage Employment." Indian young people moving to the city in search of work, or in order to take vocational training, would be directed to such centres.

### III. DISABILITIES OF INDIAN STATUS

#### *Introduction*

The Indian is subject to all the laws of Canada, plus the Indian Act which puts him under a special administration of privilege and disabilities. This dual status—as a Canadian citizen and as an Indian—is frequently a source of anomaly.

Aside from property disabilities intended to "protect", he is subject to discriminatory liquor laws and voting regulations. As long as he lives within the boundaries of the tracts of land set aside for his special use, he is looked after; but he has little control over his own destiny. Some of the features of reserve life now appear to be a negative preparation for life outside rather than a protection. Attitudes are developed by present regulations which are inimical to the goal of responsible citizenship outside the reserve and to the encouragement of transition from one way of life to participation in another.

Inherent in the Canadian reservation system are many elements repugnant to democracy. Segregation backed by law implies the relegation of the Indian to the position of a second-rate citizen. The paternal administration of the commercial and personal affairs of reserve residents is not conducive to the development of responsible government within the reserve. The social skills and attitudes which make for a good social adjustment on the reserve are frequently the exact opposite of those which would be most useful off the reservation.

The "separateness" of the reserve is more than a simple geographic limitation upon Indian experience. The Indian who has grown up on the reserve also has been unfitted socially and culturally for participation in outside life, and the range of his responsible economic activity has been severely limited by law.

### *Legal Barriers to the Process of Economic Integration.*

The legal disabilities, which are probably the most detrimental from the point of view of future adjustment to and participation in Canadian social and economic life, are the band fund regulations, the "protective" trading regulations, and the regulations concerning the disposal of assets on the reserve, and conferring certain immunity from seizure of property. These are discussed here. Further legal problems which arise out of land ownership and occupancy laws on the reserve are discussed in a later section.

(1) Through the handling of band funds, the reserve Indian could have an invaluable experience in the use of money. Isolated northern bands in particular are unlikely to have many alternative opportunities to make financial decisions.

Band funds regulations do, in fact, provide for some band council control over these monies which are the property of the band collectively. What participation is allowed by law, however, does not occur in practice in Saskatchewan.

Up to the present the practice has been to use income from the revenue account (hay and oil leases, for example) to acquire new capital assets such as roads, schools, houses or fencing. If the band also has funds in the capital account (from the sale of land, for example) *these* are used to acquire such capital assets, and funds in the revenue account may be spent on social aid. While the band councils may be asked to register a vote on the allocation of money, it is in the nature of an acquiescence to a decision previously made by someone else. In short, the band itself has little effective control over whether, or on what, the funds are spent.

The Indians themselves are beginning to object to this disregard of their wishes about the disposal of their own property. In particular, they are objecting to the dissipation of band funds for social aid. The short-run objective in handling band funds appears to be to save the taxpayers' money. Whether or not the best interests of the Indians (or the long run interests of the taxpayer) are served by this approach to handling band funds and deciding on their use can be seriously questioned.

(2) The special "protective" laws, applicable to Manitoba, Saskatchewan and Alberta only, forbid the sale of moveable assets, including those manufactured for sale, without the written consent of the Indian superintendent. It is a criminal offence to buy from an Indian without such consent.

This section of the Indian Act,<sup>1</sup> by requiring a ruling from a white man on all trading transactions, implies that *no* Indian on Saskatchewan reserves is competent in trading matters. Quite aside from the fact that this section presents the obvious danger of abuse inherent in any vesting of wide discretionary power in one individual, these restrictions in the handling of money are not conducive to the acquisition of experience necessary to compete economically with whites off the reserve.

In fact Indians sell "on the sly", especially grain. The practice of selling part of a grain crop at a fraction of its worth to neighbouring white farmers is known to exist but the extent to which this is done is not known. Since both parties to such transactions are breaking the law, there is little likelihood that

<sup>1</sup> Section 32(1) "A transaction of any kind whereby a band or member thereof purports to sell, barter, or exchange, give or otherwise dispose of cattle... etc. ... to a person other than a member of that band is void unless the superintendent approves the transaction in writing."



written evidence of the transaction will be created. This removes from the Indian even the normal protection of contracts and receipts. The net result of this section has been, in effect, the reverse of its intention. Because it leads to "under-the-counter" deals, the Indian winds up with even less protection than the normal White man.

(3) Band assets on the reserves cannot be sold, or mortgaged, or given as security for a loan. Even credit on the basis of farm stored grain is unlikely since the creditor cannot go onto the reserve to recover the grain if the Indian defaults on payments. In short, his status is similar to that of a minor, or of an elderly person who has been declared incompetent to manage his own affairs. This presents obvious difficulties in the way of the Indian who wishes to buy property off the reserve, for example.

Two further legal disabilities warrant mention here. One, a grave defect in the present law which affects Indians, is the fact that no registered Indian has a right of appeal to the ordinary courts in instances of aggrievement by decisions of the Minister when the latter acts within his discretion under the terms of the Indian Act. The other disability, which is of importance as part of a pattern of legislation which places the Indian in the position of a minor, and of significance to the off-reserve Treaty Indian who has acquired property, is the fact that any will he may make can be declared void if it is considered "not in the public interest". The assumption here is that the Indian is not competent to manage his own affairs.

### *Confusion about Legal Status*

A further important barrier to integration is the chain of confusion regarding his legal status set up in the Indian mind. Associated with this is the legal relationships between taxes, the franchise, enfranchisement, and off-reserve employment.

Consider the following set of legal inter-relationships:

1. The Indian has a right to say whether in respect to income earned on the reserve he will pay taxes or not. If he signs a waiver of tax exemption he gets the Federal franchise without losing Indian status.
2. The Indian must pay taxes on income earned through off-reserve employment.
3. If the Indian becomes "enfranchised" he renounces Indian status, gains the vote, *must* live and work off the reserve and become liable to pay taxes just as any other citizen.

Some Saskatchewan Indians are confused by these relationships. One result may be that anxiety about status is experienced in connection with off-reserve employment, particularly where this involves residence off the reserve. The loss of Indian health, welfare, and housing aid benefits is associated with both the off-reserve move and with "enfranchisement" which includes also the renunciation of the right to return to the reserve. Adding to the confusion is the fact that "enfranchisement" and the "franchise" are verbally similar and both have to do with the right to vote. The former also means the loss of treaty status, including the loss of immunity from taxation of certain income and the latter may involve waiving the right to income tax exemptions.

At present, loss of Treaty Indian status is such a real economic and social disadvantage, few Indians ever apply for enfranchisement. In Saskatchewan, aside from Indian women who marry non-Indians (these automatically become enfranchised), only about half a dozen a year apply. This implies that a very high level of social and economic integration is reached before the disabilities of Indian status are felt to outweigh its advantages in most cases. It also implies that reliance on enfranchisement to eliminate legal, economic, political



and social disabilities imposed by law on Indians is an unrealistic approach to the problem of how the Indian is to move from Indian status to normal citizenship. The federal government continues to offer a system which is ignored by the Indians as the *only* method of attaining citizenship rights.

The automatic enfranchisement of Treaty Indian women who marry men of non-Indian status may create special problems. If the couple separates, or the husband dies, the wife cannot return to her relatives on the reserve and cannot appeal to the Indian Affairs Branch for aid. She must provide for herself off the reserve, whether or not she has the capabilities outlined in the Enfranchisement Regulations as prerequisites to the granting of enfranchisement.

The enfranchisement procedure requires that the local Indian agent must approve the application and make a statement to the effect that he thinks the applicant is competent to maintain himself off the reserve without becoming a welfare recipient. That the Indian agent has the power to prevent applications for enfranchisement being submitted is resented, particularly by Treaty Indians living in urban centres.

A further difficulty arises from the fact that according to present enfranchisement regulations, a majority vote of the reserve enfranchises all the members. To the would-be minority, this can appear as a breach of Treaty, since legal Treaty rights can be taken away without their consent. This aspect of the law is a potentially divisive factor on those reserves where a sharp difference in outlook is developing between the older and younger generations.

While the Indian Act provides enfranchisement as the method of acquiring full citizenship, including the vote, the Indian finds that the price—complete loss of Treaty rights and abandonment of the reserve—is too high. For those who are content to remain under the legal disabilities of the Indian Act but who wish the Federal vote, a “*waiver*” of tax exemption privileges may be signed.

Great fear and confusion surround these two provisions for granting voting privileges. If he becomes enfranchised, the Indian has to commute his Treaty and renounce his share of the reserve lands. Indians consider this unjust. “Some want us to barter away our Treaty rights for the White man’s vote, the Treaty that was to last as long as the sun shone”, was the comment of one Indian.

One result of the chain of legal confusion mentioned earlier has been the conclusion on the part of some non-Indians that the Indian does not want the vote. The problem is not in the gain of the vote but in fears of loss of other rights, and in some cases fear that the right to vote and the right to liquor on the reserve are the same thing. The confusion between “franchise” and “enfranchisement”, and between vote and income tax, which under both existing “ways out” are connected, is understandable.

### *Conclusions and Recommendations.*

Although many problems arise out of the legal disabilities imposed on Indians by the Indian Act, the Act cannot simply be repealed as some have suggested. Indians are now habituated to custodial care and have come to value it for the advantages it offers. While resenting the dependency it breeds, they regard it as their maximum security. A great wrong would be done if the Indian Act were destroyed. The rights and privileges and traditional securities provided in the Act and the Treaties must be preserved as an irreducible minimum. To these, however, may be added extended legal rights, and upon them greater opportunities can be built.

The following recommendations are submitted:

1. Policies which do not permit freedom of choice to Indians within the same limits as other citizens should be examined with a view to eliminating features that discourage self-determination and perpetuate segregation.

2. The administration of reserves should make provision for as many experiences in handling money responsibly on the reserve as possible. Specifically, bands should be encouraged and helped to take responsibility for decisions about the use of band funds, and co-operative business activities should be developed on the reserves.

3. The Indian Act provides exemption from "protective" trading clauses for bands and individuals. It appears that the application of this exemption to Indian bands in south Saskatchewan would make the Indian less subject to exploitation in practice than does the present combination of paternalism and under-the-counter deals. It would also remove the implication of financial incompetence implicit in the permit system.

4. Indians should be granted the right of appeal to the ordinary courts from a decision of a Minister on the same basis as any other citizen.

5. Wills of Indians should be probated in the same manner as wills of any other citizen. If the will is held to be invalid by the regular court on the grounds that the individual concerned was not competent to execute a will, then the advice of the Indian Affairs Branch may be sought.

6. All sections of the Act which make the right to vote contingent upon the renouncing of Indian status or waiver of tax exemption should be eliminated. As a measure to encourage Indian participation in Canadian political and social life, the franchise should be freely granted to all Indians without prejudice to any privileges which they now enjoy. This step would also serve to minimize some of the confusion which now exists about the relationship between taxes, enfranchisement, the franchise, Indian status, and wage employment off reserves.

7. Sections of the present Act which deal with enfranchisement should be repealed since this provision does not act as the door to integration it was intended to be. The mechanism of enfranchisement leads to the depletion of band funds when the enfranchised person is compensated for his interest in the band's property, and it may lead to depletion of land as well if band funds are inadequate and land must be sold to discharge this obligation. Also, there seems to be no compelling reason why citizenship should mean the loss of inheritance and homestead or the cutting of all ties with the past.

In place of the present enfranchisement regulations it should be provided that the Indian who wishes to do so may, by his sole determination, acquire for himself the rights and obligations of a citizen when he decides to live away from the reserve, and that he may regain his Indian status if and when he should choose to return to his reservation.

#### IV. ECONOMIC PROBLEMS

##### *Income Levels*

The problems faced by the Indians of Saskatchewan in the areas of legal competence and of social and cultural transition are accompanied by the familiar and serious difficulties of a chronically depressed economic status. In 1958 the per capita personal income for all the people of the province was estimated by the Dominion Bureau of Statistics at \$1,245. In contrast, for the year ended March 31, 1958, the average income per capita estimated by the nine agencies and one administrative region of the Indian Affairs Branch was only \$208. The range of income per capita among the agencies, including

both cash and kind, varied from a high of \$292 in the extreme Saskatchewan Administrative Region to a low of only \$165 in the Touchwood Agency. (Table 6)

The classification of income according to its source shows that in all but two agencies government transfer payments of all kinds accounted for 30 percent or more (up to 53 percent in the Touchwood Agency) of total income. One-fifth of all income was "relief" in the Battleford and Pelly agencies.

The proportion of total income which had been earned by gainful employment of Indians in fishing, trapping, farming, or wage employment ranged from the high of 64 percent in the Carlton Agency to a low of 12 percent in the Crooked Lakes Agency. Two agencies, Carlton and Meadow Lake, each earned about one-third of all income from fishing, trapping and wild fruit. No other agency gained more than 8 percent of its income from these sources. Two agencies, Duck Lake and Pelly, each earned one-third of their income from farm operations. Three others received almost one-fifth of their total income from agriculture.

No agency received more than 30 percent of its income from wage employment. Battleford, Carlton, File Hills and the Saskatchewan Administrative Region, however, each earned between 20 and 30 percent of total income from this source. In each of these agencies, except Carlton (which had the highest proportion of income earned through gainful employment of all agencies), wages were the most important single source of earned income.

There is little need to elaborate upon the low levels of income received by Indians, nor to add to the evidence of severe economic disability apparent to even the most casual observer. Note might be briefly taken, however, of the most obvious manifestation of depressed standards of living, the seriously inadequate levels of housing accommodation. A majority of Indian homes are one room dwellings containing very little furniture. The homes are often overcrowded and there is no privacy. Amenities, such as power and telephone services are not extended to reserves for the use of residents. Children have nowhere to do school homeworks and no room for home recreation. They often go short of sleep on school nights because they cannot go to sleep until the activities of the adults cease for the day.

The depressed economic conditions of Indian life in Saskatchewan reflect the general situation in Canada but have been aggravated by the lack of continuity between former economic pursuits and present livelihoods. Elsewhere in Canada traditional economic practices have often formed the basis for modern commercial activities—e.g. fishing groups in British Columbia. No such opportunity has been available for the Plains Indian of Saskatchewan whose traditional way of life was based upon a game resources now entirely depleted.

While farming in the south, and trapping and fishing in the north are not indigenous economic pursuits, these occupations are the foundations upon which economic life is built in their respective areas. Some of the difficulties which dependence on resource-based employment create for the Saskatchewan Indian, and the possible development of alternative wage employment, are discussed here.

### *Agriculture as a Basis for Economic Development*

Since the only sources of income for the southern Indian from resource-based employment is agriculture, the economic problems he faces are those connected with such things as land tenure, grain marketing and reserve regulations. A fundamental but untenable assumption appears to have been made about the future development of improved levels of living for south Saskatchewan Indians. It has been assumed that if the agricultural potential



of reserve land were exploited fully, the inhabitants of southern reserves could become self-supporting through farming. According to this assumption, farming as a source of income on reserves will be so developed that a level will be reached which will provide a take-off point for Saskatchewan Indians into full participation in the economic life of the outside community on a basis of economic equality. At such a level, it has been argued, the Indian would meet no greater economic barriers to mobility into other employment than do other farm people in the province.

However, there appears to be no grounds whatever for believing that south Saskatchewan Indian reserves can support even their present populations in farming. There is, in fact, evidence that agricultural in the south is even more inadequate as a resource base upon which to plan future development of Indian economic life than is fish and fur in the north. Calculations based on Table 6 indicate that per capita income earned in areas dependent upon agriculture is less than per capita income earned in fishing and trapping areas. An average income of \$203 was earned in the former areas, while \$243 was the per capita average income in the fish and fur based region. The information on cultivated acres per head is further evidence of the inadequacy of on-reserve farming as a source of income. The fact that transfer payments, including relief, are lower in fish and fur areas than in farming areas is also an indication of more serious economic difficulties in the agricultural region.

Although the official view<sup>1</sup> is expressed that if the Indian in southern Saskatchewan becomes self-supporting, he will do so by farming,<sup>2</sup> a number of contrary opinions are also heard. For example, it is said that since those who become self-supporting will do so as farmers, there is no pressing need in the south to train young people with a view to getting them off the reserve and into non-farm jobs. At the same time it is also argued that the Indian is not a farmer "by nature" and that since even the competent non-Indian Saskatchewan farmer has a great deal of difficulty in maintaining a decent standard of living today, special training, in farm management, for example, is wasted on Indian young people. The net result appears to be a paralysis of planning for the economic future of south Saskatchewan's Indian people.

### *Current Problems in Agriculture.*

While a long-term solution probably lies in facilitating the movement of Indians, as with other people, out of agriculture into industrial employment, it is also true that steps should be taken to assist the Indian in exploiting his agricultural resources and potential skills to the full. This involves overcoming a number of problems and disabilities, which may be reviewed here.

The existence of economic stagnation at a low level on southern reserves has been noted but the potentialities of agricultural lands on reserves have not been assessed systematically. Some reserves are reported to have no arable land not in use; others are reported to have land too poor for any kind of farming to be worthwhile.

One reason for the absence of any reliable information is that no service or agency is charged directly with the development of agricultural resources on southern reserves. In the north the detailed information available on

<sup>1</sup> This view can be clearly seen in the *Annual Reports* of the Department of Citizenship and Immigration.

<sup>2</sup> The error of this point of view, which may be symptomatic, can be seen when statements such as, "The Indians of Saskatchewan continue to derive their livelihood principally from agriculture". (*Annual Report*, 1958, p. 72) are compared with the existing situation. Table 6 indicates that the principal source of income in the year ended March 31, 1959 (40%) was transfer payments. Wages (22%) were second in importance, and fishing, trapping and wild fruit gathering accounted for as large a proportion of total income earned by Indians (14%) as did farming (13%). Fewer Indians, however, depended on fish and fur than on farming.



resources, both potential and utilized, has been a product of government conservation and development programs. Such programs have no parallels in the south. Here, agricultural resource development devolves upon the individual agency superintendents who are not in a position to do even the groundwork for an agricultural program, such as an inventory of agricultural land, for example. In the north a secondary result of government programs and the extensive data they have provided, has been the realization that these resources cannot be expected to maintain the expanding population at minimum levels of living. Similarly detailed knowledge of agricultural resources is needed to assess the present and potential economic value of agricultural resources in the south.

It has been suggested that the acquisition of land off the reserves by Indians who live on the reserve might serve the double purpose of decreasing the pressure on land and acting as a stepping stone off the reserve. While the law does not forbid the Indian to own property off the reserve while living on it, barriers to its acquisition are almost insurmountable.

In the first place, his economic and legal position is such that he is exceedingly limited in his ability to build up cash assets on the reserve. Even a White person is not usually expected to purchase land or other capital in cash, yet the special legal disabilities described earlier prevent the Indian from mortgaging or using as security, anything on the reserve. A second barrier is created by the fact that Whites are generally under the impression that Indians cannot own land off the reserves.

The Indian, who cannot build up capital assets on the reserve to use as a springboard to the outside, is faced with either trying to accumulate assets on the reserve and staying there, or forfeiting all the capital assets he has acquired on the reserve to start from scratch outside—unless, of course, he decides to become enfranchised.

The combination of legal disabilities of Indians in commercial transactions and the conflict between a communal assets system and a private ownership system tends, therefore, to prevent transition from one to the other.

A further problem is need of careful review concerns the lease out of reserve lands to non-Indians. Although the chief reason given for leasing out reserve lands to non-Indians has been that the income from leases helps build up band funds which will be used later to buy agricultural machinery to farm the lands now being developed by Whites, this proposition does not appear to be valid. All lease out income (including two oil leases) amounted to only 3 percent of the income of Saskatchewan Indians in 1958. Since most leases are for hay and grazing, the land is not greatly improved. Payment is usually not in cash but in fodder for Indian cattle which means that the band funds are not augmented.

In the Pelly agency, for example, 52.9 percent of all land is leased out and this brings in income of 0.4 percent of all the agency's income of \$198 per capita. In the Duck Lake agency 49.1 percent of the land is leased out. It brings in 1 percent of all the agency's income of \$187 per person. If this income is paid in cash and goes to the revenue account of band funds, the Indian has little control over its use. If payment is made in fodder, as is usually the case, (one-third of crop) it would seem that the Indian would be better off if the land was left unoccupied and he simply allowed his cattle to graze on it. Justification of lease-outs on the basis of monetary benefits to Indians appears difficult when the proportion of income derived from lease-outs is compared with the proportion of reserve land leased out. It is also argued that lease-outs have had the effect of developing and improving idle land, which, when it reverts back to Indian use, is of greater value to the band. This is, of course, quite true. On the other hand, alternative approaches to the development of reserve land appear to be more desirable

The co-operative development of land for fodder and pasture, supervised development of land suitable for grain in conjunction with the use of Revolving Fund loans for machinery, and demonstration farms all accomplish the purpose of land development without alienating it from Indian use. In addition schemes under which the Indian is helped to develop the land himself can be valuable training in farm practice and in experience in self-help. Such work probably is best done as part of a community development program.

Finally, the Indian himself resents lease-outs. The connection in the Indians' mind between land surveys and lease-outs was cited by federal authorities as the reason for fear of and opposition to land surveys. The Federation of Saskatchewan Indians has also condemned this practice. It appears that lease-outs are an imposition on the Indian from which he derives, at best, a very small benefit and, at worst, a loss of land for at least ten years.

#### *Problems of On-Reserve Land Tenure.*

On reserves, land may be allotted to an individual under one of two plans. It may be assigned under a renewable year to year allotment, or, if he has made improvements and is in continuous use of it, he may get a "ticket of possession". In either case the land is supposed to have been surveyed so that the individual Indian's parcel of land can be accurately established. Problems arise because, although surveys of reserves are required by law, in practice only some Saskatchewan reserves—mainly those in the south-east and south-central areas—are surveyed. Some of the difficulties which have arisen are outlined below.

Friction over uncertain boundaries may be generated where town and reserve are contiguous and as reserves become crowded. Disputed claims have become a major problem in British Columbia. In Saskatchewan it has just begun.

Occupation and use traditionally define the boundaries of land allotted to individuals and give a "right" to the land. For example, in one place one energetic farmer has taken up almost all the arable land in an area by occupying, tilling, or otherwise claiming it by use. The result is considerable resentment. As population on reserves increases this could become a serious problem.

Reference might also be made to two further special questions deserving of consideration. First, the quota system of grain marketing has caused special, or perhaps heightened, problems for Indian wheat farmers. The system itself is poorly understood; the Indian farmers lack storage facilities and as a result suffer losses from spoilage; and Indians cannot get credit or loans using farm-stored grain as security because the "protective" legislation to which he is subject prevents action to recover the grain in the case where the Indian defaults. As a result of difficulties in working within the quota system Indians may sell their crop, or a portion of it, to neighbouring White farmers for a fraction of the grain's value. Second, although Revolving Fund loans have been used quite extensively for the purchase of agricultural equipment in Saskatchewan, Indians on reserves have received very little training in farm practice. In addition, it appears that Indians on reservations may not be using the various educational and other services available from the Province, due to the lack of co-ordination of the work of Federal and Provincial administrations. For example, few of the services provided through the provincial Agricultural Representative and other extension programs, which are available to Indians at the request of the Indian Agent, are utilized. "Agricultural Representative" services to Indian reserves appear to be particularly desirable.

### *Conclusions and Recommendations.*

The alternative lines of development for Indians on reserves in the southern section of Saskatchewan need to be considered in the light of a long range policy of finding gainful employment for Indians who do not wish and are unable to farm.

In addition to seeking out non-agricultural employment for south Saskatchewan Indians, the following recommendations are submitted:

1. The Indian Affairs Branch should immediately appoint persons to:
  - (a) evaluate the suitability of existing reserve lands for agriculture.
  - (b) investigate the extent to which reserve lands could be expected to support reserve populations by farming.
  - (c) develop farming as an economic base for Saskatchewan Indians to whatever extent this is possible.
2. Training in farm practices and in farm management should be given on reserves by arrangement with Provincial Agricultural Representative Services, and both on and off reserve through the Extension Department of the University of Saskatchewan.
3. Arrangements for the storage of Indian grain should be made by the federal government. All grain should be purchased by the federal government at a minimum price, the difference between the minimum price and the selling price to be paid to the farmer when the grain has been sold.
4. The purposes for which Revolving Fund loans may be made available to Indians in Saskatchewan should be enlarged to include loans for the purchase of land outside the reserve.
5. Reserve land should not be leased out to non-Indian farmers. Where potential hay or pasture land is lying idle, assistance should be given the Indians on the reserve to improve unused land for hay and pasture for their own use, and to develop herds to make use of this fodder. Where grain-growing is feasible, development of the land by the Indians themselves should be encouraged. Supervised co-operative development of such land, preferably as part of a larger community development program, is recommended. In order to make the best use of available services, there should be co-operation between the Federal and Provincial levels of government.
6. All reserves in the south section of Saskatchewan should be surveyed. Land allotments in future should be described in terms of survey boundaries.

### *Resource-Based Employment in Northern Saskatchewan*

The economic problems in the north differ in part from those in the south. As in the case of agriculture in the south, it has traditionally been assumed that Indians in the north will secure their main income from exploitation of the natural resources of fish and fur. In the north, however, attention has already been focussed on the limitations of the resource base through the resource conservation and development program. Experience with this program and accumulating information have led to the conclusion that the expanding Indian population will not attain a reasonable standard of living on the strength of this resource base alone.

The basic problem in the north is that no matter what skill or training is imparted, the region cannot support the entire Indian population and competing Metis and other groups in fishing and trapping. It also appears that in comparison to the southern situation, northern Saskatchewan is not likely in the near future to present as great an eventual alternative of wage employment. There are not likely to be enough wage jobs to absorb the native popu-



lation in the regions where they now live. The possible economic base varies from region to region somewhat,<sup>1</sup> but in practice Indians are involved almost exclusively in hunting, fishing or trapping.

Basically there are two problems inherent in the employment situation based on northern resources as it presently exists and is likely to develop in the future. The first is that the incomes generated are not likely to be sufficiently high to hold promise of a permanent solution to the economic problem of the Indian. The second problem is that employment and income are subject to the vagaries of both the weather and the market place. Activities like fur-farming, tourist work, prospecting and blueberry processing, while they are necessary to supplement existing meagre incomes, and for this reason should be encouraged, still are essentially components of the "cycle employment" pattern and possess the weakness of "cycle employment" mentioned earlier.

Fishing, while preferred by Indians over trapping as an occupation, is ranked by them lower than laboring jobs. One of the reasons for this is the increasing pressure already evident on a number of lakes. Fewer fishermen and better equipment are needed if adequate incomes are to be earned in the fishing industry. A second reason is the cost-price squeeze being experienced in the Saskatchewan industry. The cost of equipment and operation is increasing, without a proportionate rise in the returns from the industry.

Considerable help has been extended to the fishermen of the eastern half of Saskatchewan's north through the Saskatchewan Fish Marketing Service. Here higher prices paid for fish and higher net returns to fishermen have resulted in higher levels of economic welfare than prevail on the west side where the Fish Marketing Service has not operated. More help of this kind is needed. White fishermen are gradually moving out of fishing in the Northwest and the opportunity exists for the Indians to take their place. The Chipewyans in the area, who have been nomadic people, are learning how to fish and with some support could come to effectively replace the White fisherman.

As for the fur industry, it is often thought that trapping is a "natural" occupation for Indians. In fact, in the era before the fur trade, Indians did not trap for furs. The "trapping culture" is one which has been imposed by the intruding culture, and northern Indians engage in trapping now only for lack of access to other employment. They have been required to adjust their way of life to the only types of employment available to them.

Here, as in the fishing industry, prices have remained low while the cost of equipment has risen, and there is an increasing number of persons in the industry who tend to earn less as pressure on the trapping areas increases. Trapping is unlikely to be able to offer employment to larger numbers in the future than it does now. Fur farming, however, might be undertaken on a larger scale than at present.

<sup>1</sup> The following is an outline of the economic potential of the four main regions of northern Saskatchewan:

**Buffalo Region:** Resources: hunting, fishing, trapping. Buffalo Narrows is a major commercial fishing area. This industry, however, is not large enough to support the bulk of the population. Mink ranching is carried on by a few White men. The area lacks resources, except fish, and is remote. No industries exist which could provide the increasing population with a standard of living comparable to that enjoyed in the south.

**Lac La Ronge Region:** Recent developments in the tourist and mining (exploration) industries have bolstered the failing fur trapping economy to some extent. Commercial fishing is becoming the leading source of income.

**Cumberland Region:** Fishing and trapping is supplemented by some railroad construction work at the Pas. There is some chance of some agriculture around Cumberland House but development beyond vegetable gardens is slow. A Provincial government experimental farm is there but it has had little effect on the economy. There is a little lumbering.

**Athabaska Region:** (includes Uranium City) Trapping and hunting. There is one commercial fishing operation on Lake Athabaska which imports its help either from Edmonton or the south. No Indians or Metis are involved in commercial fishing. People are dependent on caribou and income from trapping. Some had casual employment from mining companies but it was only seasonal and has completely disappeared with the advent of many White men from the south.



In recent years considerable attention has been focused on the possibilities of the community development approach as a technique for encouraging and supporting native peoples in assuming new kinds of responsibility. Initial steps have been taken by the Saskatchewan government in developing a program of this kind. One of the most significant moves in this direction has been the recent re-organization of the Government Trading and Fish Marketing Service as locally-owned co-operatives. We believe the community development approach may be successfully employed in working with socially and economically depressed groups in our own country just as it has been applied in under-developed countries.<sup>1</sup>

### *Conclusions and Recommendations*

As related to the needs of the native people of northern Saskatchewan, trapping and fishing cannot be considered major economic resources. In the north employment planning will have to concentrate on the development of alternative sources of income for the inhabitants.

Future progress will depend on protecting the Indians from exploitation while developing the economic potential which exists to its limit. There is a need particularly for further advance in the fishing industry of the western half of the northern region, and the encouragement of fur farming and prospecting. In order that the Indian does not lose the economic advantage which may accrue through technological advance or more remunerative programs, the recommendations which follow should be viewed in the context of a community development approach.<sup>2</sup>

The following recommendations are submitted:

1. Northern resource-based industries should be developed to the limit of their potential although the need for a movement into permanent wage employment, discussed below, must also be kept in mind. The fishery resource of the western side of the province is the greatest unexploited potential source of income for Indians at present. It is, therefore, recommended that the Canadian government aid in establishing the co-operative development<sup>3</sup> of the fishing industry in this area.

2. Indians should be encouraged financially and by the provision of training, to enter the fur farming and the prospecting industries. Loans should be made for this purpose from the Revolving Fund, under section 3 of the Indian Act Indian Loan Regulations—"loans to Indians to assist them in establishing themselves in gainful occupations."

<sup>1</sup> Specialized agencies of the United Nations have been promoting this approach to social and economic problems in the under-developed countries. In a report by the Secretary-General of the United Nations March 1957, the concept of community development is spelled out.

"(1) The term "community development" has come into international usage to connote the processes by which the efforts of the people themselves are united with those of governmental authorities to improve the economic, social and cultural conditions of communities, to integrate these communities into the life of the nation, and to enable them to contribute fully to national progress.

"(2) This complex of processes is then made up of two essential elements. The participation of the people themselves in efforts to improve their level of living with as much reliance as possible on their own initiative; and the provision of technical and other services in ways which encourage initiative, self-help and mutual help and make these more effective. It is achieved in programs designed to achieve a wide variety of specific improvements."

Source:—*Report on Concepts—Principles of Community Development and Recommendations on further practical measures to be taken by International Organizations*, United Nations, 1957. Community Development Annex 11, page 1.

Section 80 of the same report notes that there are close inter-relationships between the co-operative movement and community development, since co-operative organizations promote and foster the spirit of self-help and joint action and encourage local initiative.

<sup>2</sup> NOTE: *The Indian Act Revolving Fund Regulations* P.C. 1954-39 January 14, 1954, Section 4 (2) "The Director may also, with the approval of the Minister, expend or lend money from the Fund for the carrying out of co-operative projects on behalf of Indians, and the maximum specified in subsection one shall not apply to such loans."

3. The possibilities of a co-operative blueberry operation<sup>2</sup> on the west side of the province should be explored.

4. In planning programs for the economic advancement of northern peoples, the community development approach should be stressed.

#### *Development of Permanent Wage-Employment*

The foregoing discussion has suggested that the familiar economic pursuits followed by Saskatchewan Indians—agriculture on the reserve lands of the south and fishing and trapping in the north—are unlikely to afford the needed opportunities for substantial improvement in standards of living. It appears certain that economic advancement for the Indian depends upon a steady and successful transition to the broad variety and scope of employment afforded by the larger economic environment.

It has been validly argued that the majority of Indians will gain access to permanent employment through temporary and seasonal wage jobs. However, data on the income of Saskatchewan Indians by source (see Table 6) shows that very little in the way of this kind of temporary "transitional employment" is actually found by them. Average per capita personal income in Saskatchewan Indian Agencies, earned through wage employment was only 22 percent of total per capita income, or an average amount of \$45.71, in the year ended March 31, 1959. The temporary employment that is found is exceedingly short-lived and has not led on to longer-term employment which is necessary in the transitional process. Planning is necessary to create these longer-term opportunities and to enable Indians to use them. Otherwise the burden of custodial care of Indians on reserves will continue to increase as the population increases and the possibility of on-reserve self-support diminishes.

In Saskatchewan there are a number of different kinds of casual labour sometimes done by Indians. None of these opportunities has affected significant numbers and self-supporting transitional employment which leads naturally to permanent full time work is seriously lacking. The only recent breakthrough has been in the sugar beet industry in Alberta. This involves summer migration of Indians with their families, however, and loss of school time. (For example, on October 26, 1959, some families with school age children are still not back). It also creates a racially identified migrant farm labour, which presents another set of problems. While beet harvesting provides much needed wage-employment experience, its seasonality and its migratory aspect makes such work experience less valuable in teaching the work-habits which would be useful in permanent jobs.

Among other types of employment that might be mentioned as affording opportunities for Metis and Indians have been road construction and fire-fighting in the northern part of the province. Here, too, numbers of women and girls have found employment in the fish processing plants. On the other hand, while Indians moved to the uranium mines in the early stages and found jobs, they have since been largely displaced from such employment.

#### *Difficulties in the transition to permanent wage employment*

Experience to date in Saskatchewan has shown that Metis and Indians generally are not able to take full advantage of those wage employment opportunities that do exist, except in isolated instances and in those few cases where particular help is given them. Natives are now seldom employed in the Beaverlodge area mines as they cannot compete with "White" help, for example.

This points up the fact that employment opportunities alone will not solve the Indians' economic problems. Some of the difficulties faced by Indians in securing and holding permanent jobs might be suggested here.

(1) Cultural differences related to concepts of time and habits of work, and the general willingness of Indians to back down and leave the job rather than argue in order to get their rights recognized, were discussed earlier. Also related to the semi-cultural pattern which dependence on seasonal resource-based industries has developed, is the tendency to use permanent-type jobs as part-time employment for the slack seasons in resource-based employment cycles. This habit, together with the cultural differences noted earlier, tends to create work habits which are unsatisfactory to employers. It should be noted, however, that while initial problems with time and work for a specified number of days per week were found in permanent type railroad work in Manitoba, Indian attendance records were better than white after the initial adjustment period was over.

(2) Employer prejudice is probably a significant barrier to the hiring of Indians. Construction work in cities and work on road gangs has reportedly been refused to Indians, particularly if the services of a group is offered. When employment opportunities are scarce, Indians tend to be excluded from employment with the argument that they can be taken care of on the reserves anyway. Generally employers insist that Indians and Metis be fully qualified before offering them permanent type work of the kind which Whites would be allowed to learn on the job. Unless employers show more willingness to allow Indians to develop both skills and desirable work habits on the job than they have in the past, Saskatchewan Indians will experience continuing difficulty in finding wage employment.

(3) Saskatchewan Indians are seriously lacking in knowledge of job possibilities, in knowledge of what training is required, and in knowledge about how to look for a job. In Winnipeg the chief method of hearing of, and getting, jobs was found to be through friends. The second most frequent method was by hearing of construction work to be undertaken and then going to the site. The third most important method was asking at the plant door. The National Employment Service and the newspaper were used infrequently except by Indians who had lived for some time in Winnipeg. Since in Saskatchewan still fewer Indians have had experience with wage employment, it is likely that even less is known about how to look for work.

(4) Indians living off-reserve find that the chief barrier to obtaining permanent employment is lack of training. The low average educational attainment of most Indians precludes the taking of many of the vocational training courses offered to adults. Few Indians have continued far enough in school to have received vocational training while still in school. (Vocational education as a prerequisite to greater Indian participation in full-time wage jobs is discussed further in the next chapter.) Special on-the-job training programs appear to be an alternative solution to the problem of the adult Indian who has left school at an early grade.

(5) Mobility and a wide off-reserve experience are a must as preludes to economic integration. In the northern part of Saskatchewan the large proportion of Indians dependent on welfare payments or "rations" and the construction of on-reserve schools have increased the tendency to create pressures to stay on the reserves or within a circumscribed area. The result is that mobility of northern Indians tends to be limited for the sake of administrative efficiency. In the south the lack of ready cash, combined with the impossibility of realizing on capital assets on the reserve hinders potential job seekers by making it impossible for the Indian to maintain himself off the reserve for any length of time while he looks for work. The fact that lack of money limits the distance he can travel in search of work is particularly serious.



(6) The elimination of Metis and Indian workers who had been employed in the lumbering industry was the result of two other kinds of handicaps. The first was the native's inability to cope with technological change. When power saws were introduced, the Indians did not know how to run them and no one showed them. The second barrier lay in the fact that cutters were expected to provide their own power saws. This the native people could not afford to do and, as a result, felling trees became a White man's job for which farm boys from the south were hired by the season.

There is evidence that objections of lumbering companies and others to the hiring of Indian labour because of lack of training in the use of power equipment are not entirely justifiable, since many of the jobs require very limited experience. However, as long as lack of technical training acts as a barrier to employment of Indians, thought needs to be given to the provision of special short courses to provide the requisite experience.

### *Conclusions and Recommendations.*

The need for an extensive employment program for Indians is acute in Saskatchewan where existing resource-based employment is seriously inadequate and where occasional and seasonal work is found by only a few. This was also the conclusion of a Manitoba study<sup>1</sup> which expressed doubt that economic integration will occur for most Indians and Metis unless such a program is undertaken on their behalf.

The following recommendations are submitted:

1. Industries now operating in those areas where Indians live but employing few Indians and Metis should be encouraged to develop programs whereby Indians and Metis are gradually included to form a representative portion of the labour force. The responsibility of employers in this regard should be stressed. In northern Saskatchewan, where a federally-owned mining corporation operates in the midst of an unemployed Indian population, the government can and should play a leadership role.

2. Special job training for adults should be given which would concentrate on providing skills and semi-skills for which there is a local need, particularly in the north where White labour is imported for such jobs. Specific openings for which Indians and Metis could be trained include:

- (a) the operation of power saws
- (b) the operation of road building machinery and trucks
- (c) sawtimber millwork
- (d) mining jobs
- (e) waitress work in tourist camps
- (f) guiding
- (g) fur farming

The possibility of a joint Federal-Provincial training program of selected northern Indians and Metis should be investigated.

3. An extensive employment program designed to help Indians find jobs off the reserve should be developed. Such a program should include an intensive job finding and placement service, a program of education to acquaint Indians with job openings on a month to month basis, and a program to educate Indians about the rights of workmen and requirements of employers. Placement officers are needed to work closely with National Employment Service to help establish contact between Indian workers and potential employers.<sup>2</sup> Such a plan should include interpretation to employers of specific problems Indians and Metis experience in adjustment to the job, and would include also interpretation to

<sup>1</sup> Lagasse, *The People of Indian Ancestry in Manitoba*, Winnipeg, 1959.

<sup>2</sup> It is hoped that the recent appointment of an Indian Affairs Branch placement officer in Saskatchewan will mark the beginning of an intensive job finding and placement program.



the employee of what is required of him on the job. Consideration should be given to the appointment of persons of Indian descent. Provision should be made also for cash assistance to enable individuals to travel to the job and maintain themselves until they have accumulated some cash, lodgings and suitable clothing. Such a plan envisions personnel other than placement officers concerned with employment, since it should also be possible to make arrangements to find housing accommodation. Counselling and follow-up services during the first full year of continuous employment would be provided. Recommendations concerning vocational and trades training which should be closely co-ordinated with the employment service described above are presented in the next section.

4. Local industries should be developed in Indian communities, wherever possible, as a training program in developing work habits and skills. The possibility of establishing subsidized industries as "half-way houses" for these purposes should be investigated. Such local industries can act as training devices, primarily for the development of the work patterns which are expected in permanent wage jobs, but also for training in the use and care of machinery and the acquisition of some special skills. It is expected that employees would be encouraged to move on to other permanent jobs after an informal work-experience training period which would range from two to five years depending upon the readiness of the individual. A close liaison would need to be maintained between the community industries and placement officers, since the latter would be expected to place "graduates" who wished to take permanent outside employment.

5. Placement officers should be alert to situations where the provision of financial aid for the purchase of equipment would open up new areas of employment to Indians. On the advice of such placement officers, loans from the Revolving Fund should be made available to Indians desiring to acquire such equipment.

6. Counselling services should be given in Indian schools at the grade IV level, where large numbers of Indian children begin to leave school, to develop in Indian children an understanding of the jobs available to persons at various levels of education. The possibility of developing 4-H and junior farmers clubs to complement such counselling, should be investigated.

7. Publicity should be given to the employment program generally, with particular care being taken to supply information about successful experiments such as the Canadian National Railway program in Manitoba to employer groups. The importance of general community education, particularly in small self-contained communities such as mining towns, should be recognized. The prejudice of the employer cannot be treated in isolation from the community in which his employees live.

## V. EDUCATIONAL SERVICES

While the future of Saskatchewan Indians hinges largely on their transition to wage employment off reserves, the rate at which this movement occurs in turn depends to a large extent upon the amount and kind of education Indians receive. Of the services now provided by the Indian Affairs Branch, education is the most important, and of the problems faced in the administration of Indian Affairs, the difficulties of Indian education should be of greatest concern.

In 1958 the majority of Saskatchewan Indian students, 4,451 in all, attended one of four types of Indian schools. These included 9 Indian residential schools, 67 Indian day schools, 1 seasonal school, and 1 hospital school. The remainder, 487 students, attended non-Indian provincial and private schools under special arrangements (See tables 8 and 9). The Indian Affairs

Branch is to be commended for the increasing attention paid to such special arrangements for integrated education. With the present rate of increase in the number of Indians in Saskatchewan, a rapidly expanding Indian school population can be expected in the future, particularly if Indian children are encouraged to stay in school to a later age.

At the present time a majority of Indian children in Saskatchewan achieve only a limited education. Less than two-thirds of Indians reach grade eight. Five out of 30 Indian children get to grade ten. Only two or three in 30 reach grade twelve. Only very recently are pupils in the north reaching the high school grades at all.

### *Low Education Achievement*

There are two major causes of low educational achievement of Indians in Saskatchewan—age retardation and leaving school at an early age.

The first of these factors is now mainly evident in the northern regions. A late start at school, language barriers, cultural difficulties, malnutrition and nomadism are the most frequent causes of age retardation.

The delay of a year or two is an important factor in the low average education of Indians. Many children start school late, at ages 7-9. Half of all Indian school age children not at school at January 1, 1959, in Saskatchewan, were in this age range, and were destined for enrollment in residential schools when prepared for school. Parental resistance to letting young children leave home to go to residential schools is the major reason for holding back young children. Insofar as the residential school system separates parents from their children, it in itself is a major cause of age retardation in northern Indian school children in Saskatchewan.

The most serious language difficulties are found in children from the areas from which the residential schools draw their students, and in Cree speaking children. The Cree language causes special difficulties because of its lack of a number of sounds used in the English language. Thus age retardation due to late starting and age retardation due to language difficulties tend to be combined.

In the areas where Indian culture conflicts with that of Canadian society there are cultural differences, other than language, which cannot be overcome in one year. Cultural problems related to motivation to learn, to dislike of residential schools, and to the school curriculum are also factors in age retardation. These have been serious in the past but their relative importance as factors in age retardation has declined.

Lethargy in some northern schools has been attributed to malnutrition. Noon day meals in reservation schools have been suggested as a method of overcoming this and of acquainting children with foods, particularly vegetables, which are not eaten in their homes.

Nomadism, particularly in trapping areas, is a problem which used to be a major cause of age retardation but which is less important today. The change is due to an increased appreciation of education and the "per diem maintenance fee" paid in joint school areas by both federal and provincial authorities. The need for this per diem allowance to offset the cost of maintaining two households appeared at La Ronge, where the Indians had become used to the residential school system. Under it both the parents had been freed to go out on the traplines. The introduction of a day school meant that either someone had to stay home to look after the children, or that they were taken along. Since a trapline team of two is a much more efficient work arrangement than a single trapper, the tendency to pull children out of school is strong. Under the per diem allowance system, an older person, usually a relative, stays to look after the children. But although per diem allowances

have reduced the problem of "nomadism" final elimination will probably hinge on the provision of employment other than trapping in the north, and upon the movement of Indians in trapping areas with no other resources into wage employment in more southern centres.

Dropping out of school at an early age is the other major cause of low educational attainment among Indians. It has been suggested that the coincidence of age fifteen with the completion of the eighth grade creates what seems to be a natural "cut-off" for the Indian child and encourages him to terminate his formal education. It is felt that if these children could have begun high school before reaching the "age barrier", an interest in education beyond age fifteen would have been much more likely.

No information is available in Saskatchewan on the reasons for early school leaving. In a Manitoba study<sup>1</sup> a sample consisting of 503 persons was questioned, and produced the following reasons for leaving school: 35 percent had to work; 15 percent were "too old"; 12 percent due to illness of self; 8 percent no school available; 7 percent had completed all available grades; 5 percent were taken out by parent or guardian. Others, particularly those who had gone to residential schools, mentioned dislike of school. During the survey a number of instances of absent teachers, teachers arriving late, absence due to sickness, with either no replacement or the local nurse acting as "fill-in", were found.

Since educational achievement below grade eight implies that little or no vocational training was received, and since lack of education is recognized by Indians themselves as a major difficulty in obtaining employment, particularly urban employment, it appears that the reasons for early school leaving in Saskatchewan warrant special study.

Another educational problem relates to curricula. Indian schools in Saskatchewan follow the provincial school curricula fairly closely throughout the school grades. Modifications to this curriculum in two respects would seem to be useful.

During the first year of school special training to promote "learning readiness" and to minimize cultural barriers is needed. In most residential schools first year work is tailored to meet this need. A regular course complete with teacher's manual would be useful as a guide to teachers in the smaller schools, who could adapt the material as required.

There appears also to be a need to move forward to an earlier grade some of the subjects usually offered in high schools, including vocational guidance and vocational training classes. The purpose of the vocational guidance would be to familiarize children with the range of jobs open to persons at various levels of training, and to make them aware of the requirements of permanent-type wage employment. Vocational training should be designed to fit the needs of children in specific areas. For example, where the tourist industry is being developed, the home economics classes could be adapted to fit girls for jobs in tourist camps, which are now held by Whites.

Indian children, in the north especially, do not have the opportunity to proceed to trade or professional training. The seriousness of this is increased by the fact that by going to school they are at the same time losing much of their opportunity to learn the trapping and attendant skills of their parents. To ensure that a good proportion of the population could cope with daily needs, carpentry, gasoline engine repairing, trapping, fishing, and tool and equipment care needs to be taught in elementary schools in the north. As it is now, these skills are only taught in the secondary schools. In time, such people would be better able to provide for themselves and perhaps create the possibility of higher learning for future generations.

<sup>1</sup> Lagasse, *The People of Indian Ancestry in Manitoba* Volume III, page 115, Winnipeg, 1959.



*Problems of the Educational System.*

The denominational residential school system was established to provide education for Indian children at a time when no other agency was taking this responsibility. For many years residential schools were not merely the only schools for Indian children; they also had advantages which other systems could not have matched at the time. The centralized system brought together children of nomadic families to provide a standard of education which could not have been maintained by scattered one-room schools.

Today some of the factors which gave rise to the residential school systems are no longer operative, or are of much less importance. The Indian population is not as nomadic as formerly. The rapid population growth has created a population dense enough to justify on-reserve day schools large enough to offer a varied curriculum. Indian education is now the responsibility of the federal government. In the face of these developments the disadvantages of the older system loom larger and several changes could be made to advantage.

Without underestimating the advantages that large centralized schools possess with respect to facilities and courses, drawbacks to the residential school system might be mentioned. The separation of children from their families for a large part of each year interferes with the continuity of family life, and adversely affects the children's and parent's attitudes toward education. The parental tendency to hold back young children, noted earlier, is a major cause of age retardation among Indian school children. At the 1958 Conference on City Indians sponsored by the Regina Welfare Council the statement was made that the residential school system where parents could not participate with their children in learning tended to foster distrust and hostility in parents toward education in general. A further disadvantage for northern Indians is that children of fishing and trapping families lose the opportunity to acquire the skills of their parents without acquiring new skills, and are sent back to a life for which they may be unprepared.

Finally, the residential school is both a segregated educational system and a segregated residential system, separating Indian children from non-Indians during their formative years. This is a serious shortcoming in an era when more and more young Indians are destined to compete in the economic and social life of the dominant White society.

To overcome some of these problems it has been suggested that the concentration of population might be encouraged in the sparsely settled areas in order to justify and support more adequate school facilities. With larger numbers of children using these facilities, the advantages of day schools can be combined with better facilities and courses than one room schools can be expected to provide. The necessary population concentrations might be achieved in a number of ways. In the past it has been observed that a scattered Indian and Metis population will congregate around new schools in order to permit their children to attend. If help with moving were offered to the more distant families, this tendency might be encouraged. Also, in some areas separate education facilities for Indians and Metis cannot be justified, but joint schools can, and they present a practical alternative to sending children to residential schools. This development should be encouraged wherever possible.

But in spite of what might be accomplished in this way, there will remain areas and families which cannot be provided with local day schools offering an adequate range of subjects at a high standard. Here residential schools will continue to perform a necessary service in the education of children. In these instances steps can be taken to overcome two of the most serious defects of the residential system. The "segregation" characteristic of residential school life can be minimized by accelerating the present development of residential



schools into living accommodation from which resident children go to integrated schools for their classroom work. The second defect—the loss of opportunity for the child to develop the trapping and fishing skills needed in the economy to which he must return—can be ameliorated by offering optional courses, for example, fishing and pelting, in the residential schools. Alternatively, a special effort can be made to equip children who do not plan to return permanently to the north, to hold jobs in the south. In such cases financial aid should be made available to young people who wish to settle in the south.

The more rapid development of integrated educational facilities is another important improvement that can be made in the educational system. It has been found that Indians benefit by attending school with non-Indians. This tends to break down their feeling of being different and prepares them for competition with non-Indians in their adult life by making better known to them the attitudes and morals of the dominant society.

Integration in Saskatchewan has usually proceeded under one of two arrangements—the joint school or attendance of Indian children at provincial schools under “per diem” financial arrangements. Up to the present time such arrangements for children in the north have been one-sided. While Indian children may attend provincial schools under “per diem” arrangements, Metis are not accepted at Indian schools on a similar basis. For the most efficient use of schools and personnel in the north “per diem” arrangements both ways are necessary.

“Separate” cannot be “equal” in education. The present structure gives legal sanction to what tends to be taken by the minority as an assumption of inferiority.<sup>1</sup> For this reason alone the acceleration of the present movement toward integrated education is desirable.

Improvements can also be made with respect to teaching staff. It appears that special training in sociology and anthropology might offset some of the problems that teachers, especially those in the north, have in understanding their student's values and motivations. Special arrangements have been made with the provincial authorities whereby sociology and anthropology are allowed as subjects toward certification for teachers in federal Indian schools. As yet, however, neither bursaries nor increased salaries, both desirable, are offered to those who undertake such courses. Special training of this sort could be used to develop a special interest in Indian children among teachers. It has been suggested that it could have the secondary effect of reducing the turnover of northern teaching personnel.

No satisfactory system to assure the replacement of teachers who are absent for part of a year has been devised. Often the local nurse, Indian agent or R.C.M.P. are used as substitutes for permanent teachers who become ill or resign. This is an unsatisfactory arrangement. Separate substitute teacher systems for Indian and for provincial schools have been considered too expensive by both authorities, but an alternative, such as a joint pool of substitute teachers, is needed to minimize teacher absence as a cause of loss of school time, particularly in the north.

<sup>1</sup> The Supreme Court of the United States ruled on the question of segregation of children and equal educational opportunity as follows: (Source p. 494 United States Reports Vol. 347. Cases adjudged in the Supreme Court at October Term 1953, U.S. Gov't Printing Office, Washington, 1954).

“To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

“The impact is greater where it has the sanction of law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the education and mental development of negro children and to deprive them of some of the benefits they would receive in a racially integrated school system.”

The Court held that even though the physical facilities and other “tangible” factors may be equal, segregation of children in public schools deprives the children of the minority group of equal educational opportunities.

School self-government has not been adequately developed in Saskatchewan. In 1957 Band Councils were empowered to elect school committees whose duties and powers were laid down by the federal authorities. British Columbia, Alberta, Ontario, Quebec, Nova Scotia all set up some committees. A marked impetus to parental and community interest in school affairs followed which led to improved attendance and, incidentally, to the development of community recreational programs, according to the 1958 Annual Report of the Department of Citizenship and Immigration. This program also gives Indians experience in transacting business and taking active responsibility on matters which concern them.

Although Band Councils have elected no such school committees in Saskatchewan as yet, the participation of Indian parents in the "home and school" clubs of joint schools has had a similar beneficial effect.

In the Manitoba study<sup>1</sup> the lack of local participation in local school administration was considered not only to be a problem to be overcome but also to create difficulties such as a lack of local interest in, and feeling of responsibility for, the education of their children. Poor administration, delays, and little checking of problems due to the infrequency of supervisory visits and the fact that the teacher had to deal by mail with a distant central authority were found and attributed to lack of local participation.

School libraries for Indian children need to be improved. In particular Indian schools are short of books other than texts. The wide "scatter" of Indian schools both in the south and in the north makes the provision of a federal school library program expensive. However, federal-provincial co-operation to extend existing school library facilities to Indian schools presents an alternative method of overcoming the present deficiency, which has not yet been exploited.

The suggestion that correspondence courses be used for adult "upgrading" and as an alternative to residential schooling in some areas is often put forward. Until five years ago no Indians had used the facilities offered by the provincial correspondence courses. In 1959 nine Indian students were registered and had their fees paid by the Indian Affairs Branch. This small enrolment indicates the limited extent to which this service is used. One of the major reasons for this is that few Indian parents are able to supervise their children's studies.

Lack of knowledge of what educational services are available can be cited as a further deficiency in the education system. The Indian Affairs Branch accepts responsibility for the education of registered Indians whether or not they live on the reserve. Off-reserve Indians, however, frequently do not know that they are eligible for financial aid in the education of their children. One reason for this lack of knowledge is the practice of the Indian Affairs Branch with regard to assuming costs. Although in theory parents are always encouraged to contribute as much as possible, in practice the on-reserve parent is not asked to pay and the off-reserve parent is not offered help. The offer of help with high school costs is particularly important to low-income families in keeping in school the teen-age children who could go out to work. Thus present practices in giving financial help aggravate a lack of knowledge about what help is available, with the result that some children, who with financial help would have continued, leave school to work. Furthermore, the association in the minds of many Indian parents of residence on reserve with federal responsibility for educating their children acts as a barrier to off-reserve movement.

#### *Vocational Education for Adults.*

Vocational training is the big educational problem and greatest need of Saskatchewan Indians. There is evidence that some steps towards vocational education are being taken. For example, in the fiscal year 1959 more than thirty

<sup>1</sup> Lugasse, *Op. Cit.*

tuition grants to trade schools and to courses such as hairdressing and agricultural machinery repair were granted. Also adult vocational training classes were held on reserves in three agencies.

But the gulf between need and opportunity for vocational training remains one of the most serious problems in Saskatchewan Indian education.

Low academic achievement is a major stumbling block to the vocational advancement of young adult Indians. Many are barred from taking the vocational and trades training courses which are available because they lack the minimum entrance requirements. To attain the standards set (often grade eight) "upgrading" courses for adults attempting to get into specific trades courses are needed. Such an academic "booster" course is in operation in Regina through the facilities of the Saskatchewan Department of Education. In 1959 the Indian Affairs Branch paid the expenses of fourteen young Indians who attended this course. Similar courses under joint federal-provincial auspices at Prince Albert, and possibly also at Saskatoon are needed.

General education, both academic and vocational, is needed by adults on reserves who plan to remain there. Basic reading and writing, welding, motor mechanics and agricultural courses for the men, and sewing and cooking courses for the women, have been requested by the Indians themselves. It has been suggested that home canning techniques for muskrat, bear and moose and for the newly introduced vegetables should be offered in the north. Such a program could be undertaken through the use of facilities which already exist in Saskatchewan. The Indian Affairs Branch could finance an on-the-reserve Indian Adult Education program handled by the provincial Adult Education Division, by the "Ag. Reps." of the Saskatchewan Department of Agriculture, and through special arrangement, by the University of Saskatchewan Extension Department.

A vocational training program which is directed at preparing Indians to fill specific job openings is needed in conjunction with the employment program recommended in the preceding chapter. Such a program needs to be undertaken on several levels.

Special short courses aimed at enhancing local employability—such as in operating bulldozers, power saw operation, and waitress training are examples. In the north the possibility of a joint program with the Department of Natural Resources should be investigated since separate programs for Indians and Metis in this region would be wasteful of effort. The courses which are needed would be brief and some discussion about the expectations of employers would form an integral part of the training. The placement officers mentioned in the preceding chapter could advise on what courses were needed in each region.

There is also a need for longer term training courses which require an educational background of only grade four or five for entrance. Such trades training should be designed to fit adults for urban employment in semi-skilled jobs and should be offered at once, or possibly two, Saskatchewan centres only. Financial aid would be required to defray the cost of tuition and room and board, as would assistance in finding suitable living accommodation. Provincial shortages of labour in various categories as indicated by analysis of unfilled vacancies listed with the National Employment Service could be used as a guide as to what courses should be offered.

Finally, young adults who have the requisite entrance requirements should be encouraged to enroll in the Provincial Technical Institute. Both tuition and living expenses would have to be covered by grants.

In addition to the kinds of training already mentioned, a program of adult education directed at fitting Indians into White society and acquainting them with services available in cities is needed. Such a program should be conducted in conjunction with the referral, counselling and placement services described in the preceding chapter and could possibly make use of their



personnel. Indians at the 1958 Conference of the Regina Welfare Council on City Indians suggested that there was a special need to help Indians become better informed about educational opportunities now open to them, and about the financial assistance available.

### *Conclusions and Recommendations*

Low final educational achievement, which is the result of age retardation and early school leaving, is the chief problem in the education of school-age children. There are, in addition, difficulties connected with curriculum content and with the structure of the Indian educational system. In planning curriculum content the practice of closely following the provincial curriculum in Indian schools has certain draw-backs, not only does it overlook the lack of learning readiness in many Indian children when they start school, but it also fails to meet the needs of children who leave school before the end of grade eight. Many of the shortcomings of the educational structure on the other hand, stem from the separation of Indian education from the education of other children in the province. Some of these problems can be resolved by federal-provincial co-ordination of effort.

In the education of adults, suitable vocational training is the prime need. It is not enough to give financial help to adults who wish to enroll in existing technical and trades training courses. Special courses adopted to the particular needs and handicaps of Indian adults must be made available.

To mitigate these problems, the following recommendations are submitted:

1. A special program of speech development exercises should be devised to overcome the language difficulties of Cree-speaking children.
2. Kindergartens for children under age six should be established in Indian day-school and in joint school areas, to offer a learning readiness program which would overcome language and cultural handicaps which at present lead to age retardation. For schools without an attached kindergarten, a first year curriculum should be designed with emphasis on overcoming speech and cultural difficulties.
3. Consideration should be given to providing noon-day meals in northern day schools as a means of reducing malnutrition as a cause of lethargy and frequent illness and educating Indian children in the use of vegetables.
4. A special study of the reasons for early school leaving in Saskatchewan should be undertaken.
5. The curriculum in the elementary grades should be adapted to meet the need for vocational counselling. Such counselling should be designed both to help the children establish goals for themselves and to provide specific kinds of information. The variety of jobs available to persons at various levels of education and special training and the requirements of permanent wage employment would be considered.
6. Vocational training should be initiated at an early age. In the north carpentry, gasoline engine repairing, trapping, and care of fishing equipment and other tools should be taught in elementary schools to ensure that a good proportion of the population can cope with the daily problems that require these skills.
7. Children who board at residential schools should be transported to the nearest non-Indian school for their class-room work at an earlier grade. The goal should be the transformation of residential school facilities into living accommodation for Indian children who must attend school away from home.



8. Wherever possible residential school facilities should be replaced by other types. Joint schools are the most desirable alternative. Where joint schools are not feasible the possibility of building a day school in a sparsely settled area and establishing the families near the school should be considered.

9. One of the drawbacks of residential schooling is that children lose contact with their parents' way of life and do not learn trapping and fishing skills. Two methods of offsetting this should be used. Fishing and trapping should be offered as a vocational course, and special efforts should be made to equip children from northern schools for jobs in the south. Financial help should be offered to those who wish to work in southern centres, rather than returning to the far north to fish and trap.

10. The movement toward integrated educational facilities for Indians should be accelerated in the interest of better education for Indian children. Joint schools, and financial arrangements under which Indian children attend provincial schools should be extended. Arrangements whereby non-Indian children may attend local Indian schools under the "per diem plan" should be made.

11. Teachers in Indian schools should be offered bursaries to encourage them to take summer courses in sociology and anthropology. Upward salary adjustments should be made for teachers who take these courses.

12. The possibility of a joint federal-provincial substitute teacher pool should be investigated.

13. Indian bands should be encouraged to elect school committees. Where this is not done, the development of "home-and-school" clubs should be encouraged. Indian parents whose children attend joint schools or provincial schools should be encouraged to participate in the "home-and-school" clubs of these schools.

14. The possibility of federal-provincial co-operation to extend school library facilities to Indian schools should be investigated.

15. Vocational training courses should be based where feasible on the training needed for jobs for which there is a local demand, and for employment in which there is a provincial labour shortage. This implies a greater adaptation in the courses now offered to girls than in those presently offered to boys. Typing should displace some of the home economics courses for girls, for example.

16. "Upgrading" courses for young adults should be established in co-operation with the Adult Education Division of the Saskatchewan Department of Education at Prince Albert and Saskatoon.

17. The facilities of the Adult Education Division and the Vocational Education Branch of the Department of Education, the Department of Agriculture's agricultural extension services, and the University of Saskatchewan extension facilities, should be used to undertake academic and vocational education of Indians on reserves.

18. Short job-training courses to achieve local employability should be set up on the advice of the placement officers whose other duties are described in the preceding section on Economic Problems. These courses, such as bulldozer operation, should contain an element of work orientation including some explanation of the expectations of employers. In the north, the possibility of undertaking such short courses in conjunction with the provincial Department of Natural Resources should be investigated.

19. Longer-term trades training with a low academic entrance requirement (grade four or five) should be offered in one or more southern centres. Financial aid in living costs and transportation should be provided to students as well as tuition. The range of courses offered would be influenced by the kinds of jobs for which there was a provincial labour shortage.

20. An Adult Education Course should be offered in Indian communities, with a curriculum designed to help people become oriented to urban life.

21. A pamphlet on the opportunities for vocational education open to Indian and the financial assistance available should be distributed among both on reserve and off-reserve Indians.

22. An educational program of non-Indians about Indians should be undertaken. This program should include employer education about the difficulties the Indian may have in adjusting to permanent wage-employment; community and neighbourhood educational programs in mining areas and other towns where Indians are settling, or are being helped to settle as part of a housing and job-finding program; and general public education to increase non-Indian understanding of the background of Indians and of the problems they face in the adjustment to off-reserve living.

## VI. SOCIAL SERVICES

The long-run objective of all policies affecting the health and welfare services available to Indians should be the eventual integration of these services with those provided for the population at large, without in any way impairing the rights and benefits accorded this special minority group. Of necessity this must be a gradual process. It will require the working through of a great many problems which will inevitably arise. While the government of Saskatchewan is in agreement with this long-run goal, it is not reasonable to expect that provincial governments can assume sole responsibility for these problems or for the very large expenditures which will result from the pursuit of this goal. Joint federal-provincial planning for and during the transitional stages is of utmost importance and it is the purpose of this section to indicate the broad goals toward which such planning might be appropriately directed.

### *Health Services*

The quality of medical care and of particular treatment services now generally provided to Indians in Saskatchewan is of a high order. In fact the very excellence of these services to Indians living on reserves poses a problem in that it acts as a barrier to movement away from the reserves. The uncertainty in the minds of many Indians as to what health services may be available to them off the reserves strengthens this barrier. To Indians living off reserves this lack of knowledge frequently results in failure to seek the assistance to which they are entitled. Both of these problems point up one set of difficulties resulting from the division of responsibility for services to Indians between the federal and provincial governments. A brief review of the current situation with respect to medical and hospital care and some apparent problems follows.

### *Services Presently Available*

Although the federal government denies legal responsibility for the health of Indians, it has in fact assumed extensive responsibility. In the southern part of Saskatchewan the Indian and Northern Health Services Division of the Department of National Health and Welfare takes complete responsibility for registered Indians living on the reserve and for those who have lived "off-reserve" for less than one year. In the north, registered Indians living the "Indian way of life" are eligible for health services. When an Indian has been off the reserve for twelve months he ceases to be eligible for these services. At this point he either provides for his own needs, or, if he is indigent, he becomes the responsibility of the municipality in which he lives.

Indians off-reserve less than a year may seek medical attention from one of eight Indian Health Service doctors on salary, or from one of the many

doctors which have been designated by the Division under a fee-for-service arrangement. Many such Indians, however, do not know how to find out which doctors have been so designated and in many cases, consequently, do not use the service. Also Indians who have been off reserves for one year are not always aware they can get help from their municipalities. Those that do seek such help are sometimes discouraged by officials and advised to return to the reserves. In the face of this situation it is easy to understand the Indian's sense of insecurity and his desire to remain on the reserve.

By federal-provincial agreement, Indians are insurable under the Saskatchewan Hospital Services Plan. The federal authorities pay the personal hospitalization tax for on-reserve Indians and for registered Indians in the far north. In the south, twelve months absence from the reserve disqualifies an Indian for federal payment of his tax, but exceptions have been made, especially when it is felt that the Indian has not established himself off the reserve. These exceptions, although desirable in that they provide a much needed flexibility, have led to long arguments between municipalities and the Indian and Northern Health Services Division about specific cases. In practice this results in the Indian "getting the run around."

Recently the "twelve month" rule is being enforced more rigidly without regard to the degree to which the Indian has become established. Knowledge of this "cut-off" reinforces the barrier to leaving the reserve and the reluctance of municipalities to pay the tax for indigent Indians becomes another pressure upon the Indian to return to the reserve.

Medical and hospital care are only two aspects of a total health service. A general assessment of the overall program must also take into consideration preventive public health services such as immunization and sanitation, public health education, nutrition and others. The quality of these services unfortunately does not match the quality of medical and hospital care. This may be inferred from the data shown in Tables 5 and 11 other data supplied by the Saskatchewan Department of Public Health.

These data show that relatively more Saskatchewan Indians go to hospital than the general population of the province. The annual hospitalization rate of 1,005 cases per 1,000 Indian children under one year of age, excluding new borns, with an average length of stay of over twelve days is the most significant factor in the whole picture of Indian hospitalization. Indian children under five years of age account for 77 percent of the Indian admissions to hospitals for respiratory diseases. Data on deaths shows that fatality rates for a number of preventable diseases for example, measles, appendicitis, pneumonia, diarrhoea and enteritis, are a great deal higher for Indians than for the general population. Table 5 shows the very much higher rates of infant mortality among Indians than non-Indians. The preponderance of young people with upper respiratory disease, cellulitis and skin infections directly reflects the poor housing and nutritional conditions.

### *Future Development of Services*

The future development of health services to Indians should provide for the elimination of the problems caused by the existing division of responsibility. This kind of development will take a long time and will require a great deal of joint planning and co-ordination of federal and provincial government activities as well as a satisfactory solution to the sharing of costs. The uncertainty regarding federal responsibility poses some difficulties, but the province obviously cannot be expected to carry all the additional burdens and costs itself. The base for determining federal participation, therefore, must clearly be what the federal government is now actually providing.

At the present time a number of steps can be taken toward the elimination of the problems mentioned. Indeed some of these have already been



partly taken. An agreement about the use of provincial nursing stations by Treaty Indians exists in some northern areas. At Lac la Ronge Metis may receive treatment at the 25-bed federal hospital. Similar arrangements can be made for other services. (e.g. for co-ordinating health examinations such as eye examinations) in the north where independent efforts of the federal and provincial governments result not only in duplication of expenditure, but also foster bad feeling between Indian and Metis.

### *Conclusions and Recommendations*

The division of jurisdiction over health care acts as a barrier to the integration of Indians with the community at large and to certain deficiencies in the program. The following recommendations are submitted:

1. Discussions should be held with the provincial government with a view to initially expanding the area of joint effort and eventually to transferring the administration of a complete Indian health program to the provincial government under an arrangement whereby the federal government would continue to carry the cost of the services to Indians for whom it now assumes responsibility. These arrangements should be made on the basis of present sharing of costs and not upon the official federal definition of legal responsibility.

2. A first step in this direction should be the coordination of health examinations and the joint use of nursing stations and hospitals by Indians, Metis and Whites. Arrangements under which this could be done could be similar to the "Joint School" program in the north or the "per diem" payment system used in the south in the provision of educational services.

3. Greater efforts should be made to acquaint Indians living off reserves with the medical and hospital services that are available to them. For example, Indians who leave reserves might be given the name and address of the Indian Health Services doctor in the community to which they are going.

4. The preventative aspect of Indian health services should be developed further. Special attention should be paid to immunization, sanitation, nutrition and housing programs.

### *Welfare Services*

In Saskatchewan responsibility for social welfare services provided to Indians is shared by the federal, provincial and municipal governments.

On reserves, the services provided entirely by the federal government are limited almost entirely to relief payments. These payments are considered by many Indians as their right due to them as part payment in compensation for past wrongs. This attitude no doubt reinforces their reluctance to leave reserves for fear that this right too will be lost.

The public assistance programs which are shared by the federal and provincial governments (e.g. old age assistance, disabled persons allowance and blind persons allowances) are available to all Indians both on and off reserves. Juvenile corrections and adoption programs provided by the provincial government's child welfare policies are also extended to the reserves. At the present time no reimbursement of any kind is obtained from the federal government for child welfare services extended on behalf of children living off-reserve, but the maintenance charge for children who come into care from the reservations is contributed by the federal government. All Indians whether living on or off reserves are eligible for the services of the provincial government's vocational rehabilitation program under an arrangement whereby the federal government pays the provincial government for the cost of assistance given to Indians.



Indians living off reserves, in addition to the services mentioned above, are eligible for social aid. This aid is granted by the municipality in which the Indian is living, but the major part of its cost is paid for by the provincial government. Health services to indigent Indians off reserves are the responsibility of municipalities.

### *Problems with Existing Services*

As in the case of health services, the division of responsibility between Dominion and Province has also created problems in the provision of welfare services. One result of divided responsibility is that few Indians have any idea of what their rights are and what services are available to them. When Indians who have left the reserve run into difficulty, the earliest solution is to go back to the reserve. The reserve is seen by them as a sanctuary. The attitude of many Whites that Indians "belong on the reserve" when coupled with the Indian's ignorance of what services are available to him when he is indigent, creates further pressure on him to return to the security of the reserve. Anything that forces Indians to return to the supervision of the Indian Affairs Branch once they attempt to live on their own seriously retards integration.

One of the major problems regarding public assistance centres on the reluctance of municipalities to accept responsibility for indigent Indians living off reserves. Municipalities are not concerned about the cost of social aid itself since the Province bears most of this cost. Rather they are worried about the costs of medical and hospital care they may have to bear. As a result municipal officials attempt to persuade Indians in need to go back to the reserves.

Two serious problems relate to child welfare services. One exists in the adoption service and arises out of the definition of status. According to recent federal rulings, Indian children adopted into non-Indian families retain their Indian status. Similarly non-Indian children adopted by Indian families cannot acquire Indian status. This violates a fundamental principle in adoptions—that adoption confers on the child the status and rights of a natural child. The second problem relates to the treatment of on-reserve juvenile offenders. Where the Indian child has been judged a delinquent, he may either be left on the reserve where there are no resources to deal with his difficulties, or he may be moved to an institution which is completely alien to him and which probably complicates the adjustment he will have to make when he moves back to his own community. Both of these experiences can be damaging.

### *Conclusions and Recommendations*

The existing system of social welfare services discourages the movement of Indians off reserves. Because they are not certain as to what assistance will be available to them off reserves and because they have not always been treated kindly, many Indians are careful not to absent themselves from the reserves for too long a period for fear they may experience difficulty in obtaining help when they need it.

As with health services, the integration of social welfare services to Indians with social welfare services to the population generally, without distinction of status and without the loss of any benefits Indians may now enjoy, must be the eventual goal of social welfare policy. The reduction to a minimum of the problems which result from the division of responsibility and the consolidation of services where possible are requisite first steps. The recent arrangement for the use by Indians of the provincial rehabilitation service is an example of the kind of development which needs to be fostered. Agreements for co-ordination of specific programs serve to improve the quality and variety of service available to needy Indians, to eliminate areas in which

Indians are segregated from the rest of society, and to provide a more efficient way of administering welfare in any given area through the elimination of duplication. For these reasons they should be encouraged.

The following recommendations are submitted:

1. A comprehensive study of welfare service needs should be made jointly by all three levels of government—federal, provincial and municipal—and by the Indians themselves, with a view to:

- (a) The elimination of current inter-governmental frictions with regard to the interpretation of responsibility and policy;
- (b) the consolidation of services under one administration wherever possible; and
- (c) the gradual extension of all existing provincial programs to Indians.

In planning the development of welfare services the rights of Indians to make their own decisions should be recognized and to this end the possibility of using such administrative devices as, for example, establishing the band council as the agency to administer assistance, should be explored.

2. Greater emphasis on "rehabilitation" should be incorporated into existing welfare services. To this end the following suggestions are offered:

- (a) Local work-wages projects should replace the "rations" system. These should be designed with two purposes in mind other than the supplying of relief—the provision of a useful work experience, and the involvement of the reserve community in decision-making. The latter should be achieved through Indian participation in reserve "Welfare Committees", which would involve them in planning these and other welfare programs.
- (b) Persons trained and experienced in working with groups should be assigned to northern communities and to agencies in the south to assist with such things as development of community recreation programs and community organization for welfare services; for example, a case finding and case referral.

3. An informational leaflet, written in simple English, describing the rights of Indians with regard to welfare services should be distributed to all Indians.

4. A change in the regulations governing the status of Indian children adopted by non-Indians, and of non-Indian children adopted by Indian parents, appears desirable. The principle that adopted children shall acquire the same status as natural children of the adoptive parents should be followed.

### *Problems of Housing*

Substandard housing is prevalent on the reserves. Crowding contributes to high disease rates and makes it very difficult for children to study. In the past it has been argued that the housing situation was a cultural problem—that Indians preferred to live in such accommodation. Recent studies, however, contend that to a large extent poor housing is the result of a depressed economic status rather than of cultural preference.

Off the reserves, partly because of poverty, but also because of discrimination on the part of landlords, Indians tend to live in the poorest district of cities. The problems associated with substandard housing including crowding, lack of privacy and lack of children's play space were of particular concern to Indians interviewed by the Canadian Native Society of Regina in 1958.<sup>1</sup> This is not only a city problem. A number of families living in tents as late as November were reported on the outskirts of the village of Maidstone in 1959.

<sup>1</sup> See *Our City Indians*, Report of the 1958 Conference of the Regina Welfare Council, Regina, 1959.

In small towns welfare officials find suitable accommodation for such Indians difficult to procure, partly because of the scarcity of housing and partly because landlords are unwilling to rent to Indian families.

As a welfare and health measure, on reserve "welfare housing" fills a real need. The federal government is to be commended for its housing program not only because it provides much needed accommodation, but also because it can give Indians experience in carpentry and self-help. The self-help principle is not always followed in Saskatchewan, however. A great deal more Indian participation in the building of their homes would be desirable.

One problem inherent in the welfare housing program might be mentioned. Although an Indian may have built his on-reserve home himself, and although the cost may have been paid partially out of his own pocket, he nevertheless cannot realize its cash value if he decides to leave the reserve unless he elects to become enfranchised. Further, the present conditions for aid in housebuilding stipulate need and residence on reserves. The chance for a decent home of one's own has become a concomitant of reserve life and the abandonment of the reserve at present means, to most Indians thinking of living off-reserve, the abandonment of all hope for a home of one's own, especially one debt-free. The present form in which housing aid is given therefore acts as a barrier to off-reserve movement.

Some assistance with off-reserve housing has been provided in Canada. In 1958 in other provinces loans were made for the first time from the Revolving Fund to purchase houses off the reserve. However, no such loans have been made in Saskatchewan. But help in buying a house is not the only kind of help needed. Generally there appears to be a need for three distinct kinds of help in the provision of off-reserve housing for Indians as follows:

- (a) *Subsidized and Guaranteed Rental*—Under this program the rent payments on the rooms of an Indian would be guaranteed by the federal authorities for a one year period. If the Indian lost his job this system would help mitigate the pressure on the Indian to give up and go back to the reserve. Rent guarantees have the additional advantage of countering one argument frequently used by landlords who hesitate to rent to Indians—the uncertainty of rent payments. In the long run it is probably cheaper to maintain an Indian family off the reserve with some hope of early integration than it is to maintain them, and possibly the next generation of the family, on the reserves.
- (b) *Grants and Loans for Housebuilding and House Purchase*—Under this second program aid in building houses could be given on a basis similar to that of the on-reserve house construction program in rural areas or in small towns where land costs are not excessive and rental is not the rule for low income families. Alternatively, financial assistance could be given in the form of a loan, available up to ten years after leaving the reserves, from the Revolving Fund for the purchase or construction of a house, either in the city or in rural areas. A ten year time period is necessary to achieve the essential purpose of the scheme—encouragement to families to establish themselves permanently off reserves—since according to the Manitoba study,<sup>1</sup> this is the length of time it took Winnipeg Indians before they held jobs continuously.
- (c) *Location or Acquisition of Suitable Housing*—A third program is needed to make rental housing to Indians available in the right places. If fear that Indians and Metis will not be able to adjust socially is one of the main reasons advanced for refusing to hire these people, then it is important that their homes be located where

<sup>1</sup> See Lagasse, *The People of Indian Ancestry in Manitoba*. Volume II.



integration can be facilitated. What is needed are homes scattered two or three to a block in new mining developments, in low cost housing projects, and in existing downtown flats so as to provide the maximum amount of interaction with non-Indians, in order to achieve the most rapid socialization.

Under the foregoing three suggestions the off-reserve Indian would have the same security of an assured roof over his head when he is out of work as he does on the reserve. The adoption of the third kind of program is strongly recommended for new mining towns and should be co-ordinated with training and placement programs discussed earlier.

### *Conclusions and Recommendations*

The federal government is to be commended for its on-the-reserve house-building program. The one serious defect in the present plan is its restriction to on-reserve Indians, which has the effect of discouraging off-reserve movement. There is a real need to plan for off-reserve housing help as part of a policy aimed at the establishment of Indians off the reserve.

The following recommendations on housing are submitted:

- (a) The advantage of the present self-help housing program on reserves should be exploited. If travelling Indian housebuilding crews are used at all, they should be used only to assist the future occupants of the homes.
- (b) A three-phased program of off-reserve housing help to Indians should be considered which would include:
  - (i) subsidized and guaranteed rentals during the first year off reserve.
  - (ii) grants for off-reserve house construction in some rural areas and loans from the Revolving Fund for both construction and purchase in both cities and towns.
  - (iii) a program to make rented accommodation available to Indians in locations where integration can be facilitated. Special attention should be given to mining towns and to co-operation with civic authorities with a view to setting aside some low rental housing units in city housing projects, for Indian occupancy.

## VII. INDIAN AFFAIRS POLICY AND THE ADMINISTRATION OF SERVICES

The most striking fact about the federal administration of Indian Affairs at the provincial level is the absence of an explicit goal toward which the various services provided could be oriented. There is evidence of a policy whose implied ultimate goal is the integration of Indians, but there is no administrative structure designed for this purpose. The result is a function by function approach in the provision of services to Indians, in which the administration of some services not only may be unrelated to any ongoing program of integration, but may actually retard it. This is noted, for example in the discussion on health and welfare services. The exception to this is the relationship which is recognized between education and employment where the service provided and the goal of integration are linked.

The movement toward greater Indian participation in Canadian life is a gradual process which can be either hastened or hindered by administrative practices. To accelerate the process the administrative distinctions which draw rigid lines of demarcation between on-reserve Indians, off-reserve Indians still "in Treaty", out of Treaty Indians, and integrated Indian-Canadian citizens



must be removed. The impact upon the Indian of the cut-off of some services either upon leaving the reserve or twelve months afterwards and the difficulties of changing from one set of familiar services to another set of unfamiliar ones has been noted in earlier sections. This legal and administrative differentiation tends to make transition from one status to another a difficult process and hence it limits the opportunities of Indians who seek to participate on an equal footing with Whites in Canadian social and economic life.

In Saskatchewan some Indian reserves are at markedly different stages of acculturation from others. The application of blanket rules to all Saskatchewan reservations, therefore, is inconsistent with the unequal readiness of reserves to take responsibility. In particular, it appears that such regulations hold back the more advanced reserves in the south that may be in a position to profit by greater freedom in the conduct of their own affairs. The increasing levels of responsibility which are allowed under the Indian Act is such matters as the handling of band funds can be used to provide much-needed flexibility. Recent changes in regulations, such as those on the use of Revolving Fund loans for off-reserve housing, also can be used to this end. In Saskatchewan unfortunately, full advantage has not been taken of such flexibility as has been provided by law and regulation.

In northern Saskatchewan one of the effects of jurisdictional definitions and administrative practices based on status has been the creation of hostility between Indians and Metis. Here the problem arises because differentiation in treatment and status is accorded culturally similar people. This particular difficulty does not appear in the south because the cultural dissimilarity of the Indian and non-Indian groups and their different stages of development are more evident. The non-commercial sawmill programs run by both the federal and provincial governments in the north are an example of an administrative division which has caused inter-group hostility. In this case the social conflicts are created by the difference between the federal and provincial approaches to northern people as illustrated by several points of contrast in the two programs. A wage is paid to a Metis sawyer to run the provincially operated mills. Metis who want to use a provincial mill haul their own logs and pay for the services of the mill. The federally owned mills are operated by Whites and Indians who wish to use them are paid in rations to haul logs and are allowed use of the mills free. The approach of the provincial government assumes that the Metis are mature responsible people. The approach of the federal government implies quite the opposite and this Indians resent.

This duplicated program also causes economic waste, but this is the less serious defect. In such instances administrative changes may solve jurisdictional problems and provide opportunities for better use of resources, but the underlying difference in the federal and provincial approach to native people, essentially a policy issue, also be reconciled.

At present it appears that the federal government places its *whole* trust in the education of Indians as the method for their integration. The key role which education may play cannot be denied. At the same time if the economic base of Saskatchewan Indian life, the lack of employment opportunities, the extensive welfare services required, and the accelerating rate of population increase are also examined, it can be seen that education, while it may be an important factor, is by itself totally inadequate as a solution to the problem of a mounting population of dependent and socially and economically disadvantaged people.

Furthermore, while a transition toward the integration of provincial and federal services is desirable, it must be recognized that the simple merging

of responsibilities in itself does not constitute a program to integrate Indians. The coordination of existing inadequate services cannot create an adequate program.

The process of integration will probably involve the transfer of federal functions to the province one by one over an extended period of time. Joint assumption of some functions in the interim period probably will be part of the longer-run transitional process. If this course of development is followed, thought must be given now to the need for a system of joint planning and for some research facilities.

#### *Recommendations*

1. The central purpose of the administration of Indian Affairs should be to help Indians move off-reserve and into the main stream of Canadian economic and social life while maintaining traditional rights and preserving the economic and social security now provided by reservations.

2. Greater flexibility in programs to allow for the differences between Indian reserves, particularly between reserves in northern and southern Saskatchewan, should be adopted.

3. The value for long-range planning purposes of the information now being collected at the agency level should be recognized and the Saskatchewan Regional Office should take steps to act as a repository for such information.

4. Joint federal-provincial consultation on overall program goals should be considerably expanded. The possibility of establishing a joint advisory and research agency should be considered.

### VIII. SUMMARY OF CONCLUSIONS

The increasing integration of the Indian into Canadian life is a desirable process which will occur eventually whether or not anything is done to ease the transitional difficulties. In Saskatchewan, however, the Indian birth rate is so high and the exodus rate from the reserves is so low that there is a large net annual increase in the number of Indians on reserves. These Indians, unlike those on some Quebec, Ontario and British Columbia reserves who hold permanent jobs off the reserve while living within its boundaries, are neither social nor economic participants in the life of the communities which surround them. This isolated on-reserve population is expected to continue to expand rapidly for some time.

The fish, fur, and agricultural resources of reserves cannot support the present population even at subsistence levels. The only practical alternative in Saskatchewan is for Indians to become full participants in Canadian economic and social life through permanent wage employment off-reserve and a transition to urban living.

To achieve this end an extensive employment, placement and counselling service must be combined with a concentrated program of vocational education, particularly courses to qualify young Indian adults for jobs available in their localities. In Saskatchewan Indians are at the beginning of a transitional phase which will demand vigorous and flexible programs. It can be reasonably expected that costs will be high during the transitional period. The alternative is the continued increase of dependent Indians on reserves.

All other services to Indians should also be oriented to encourage off-reserve movement. The division of jurisdiction over health, education and social welfare services acts as a barrier to off-reserve movement. The increasing integration of the Indian into Canadian life means that he will be using more and more services provided by provincial and municipal governments. Joint federal-provincial planning is necessary to co-ordinate existing services so that they conduce to the desired end of integration.

Unless we possess more extensive knowledge of the way of life of the Saskatchewan Indian today, and the problems he faces in transition in the immediate future, it will not be possible to make useful long-range plans to aid him in his future development. An intensive survey of the present conditions and prospects for improvement of Saskatchewan Indian life must be made as the basis for planning the extension of the Indian's opportunities to the point where he faces no greater difficulties in establishing himself as a fully participating member of Canadian society than does any other citizen.

TABLE 1.  
INDIANS ON RESERVES: ALL OTHER PERSONS: % CHANGES 1941-46, 1946-51, 1951-56, SASKATCHEWAN

Census Division	Indians on Reserves					All Other Persons					Indians on Reserves % Change					All Other Persons % Change				
	1941	1946	1951	1956		1941	1946	1951	1956		1941-1946	1946-1951	1951-1956	1941-1946	1946-1951	1951-1956	1941-1946	1946-1951	1951-1956	
1.....	347	403	446	562		33,824	33,233	35,035	36,386		+16	+11	+26	-2	+5	+4	-2	+2	+4	
2.....	—	—	—	—		36,140	35,295	34,714	33,929		—	—	—	-2	-2	-2	-2	-2	-2	
3.....	37	42	51	40		33,611	33,028	29,422	27,046		+14	+31	-27	-2	-11	-1	-2	-1	-1	
4.....	54	64	41	71		22,246	19,493	16,550	17,315		+9	-36	+73	+19	-15	-4	-12	-15	-4	
5.....	911	991	1,181	1,095		50,111	46,956	47,696	45,905		+9	+19	-7	-6	+2	-4	-6	+2	-4	
6.....	1,377	1,430	1,986	2,207		107,439	105,843	111,628	130,642		+4	+39	+11	-1	+5	+17	-1	+5	+17	
7.....	—	—	—	—		53,852	51,719	50,421	58,448		—	—	—	-4	-4	-3	-4	-3	-3	
8.....	—	—	—	—		42,845	37,457	35,211	39,643		—	—	—	-13	-2	-3	-13	-2	-3	
9.....	753	946	1,097	1,153		61,581	54,685	53,842	51,778		+26	+16	+5	-11	-2	-4	-11	-2	-4	
10.....	1,098	1,221	1,332	1,557		42,109	36,091	36,301	34,346		+11	+9	+9	-13	-1	-5	-13	-1	-5	
11.....	87	73	88	94		79,925	78,063	84,277	102,621		-16	+21	+7	-2	+7	+22	-2	+7	+22	
12.....	544	551	664	885		34,129	29,547	27,532	27,399		+1	+1	+33	-13	-1	-8	-13	-1	-8	
13.....	416	444	479	614		35,930	31,949	30,542	32,358		+7	+8	+27	-11	-5	-7	-11	-5	-7	
14.....	695	769	793	924		64,471	59,314	60,822	54,047		+11	+3	+17	-8	+3	-11	-8	+3	-11	
15.....	1,116	1,248	1,437	1,782		87,920	82,528	79,723	80,720		+12	+15	+24	+12	-6	-3	+12	-6	-3	
16.....	1,432	1,683	1,803	2,168		51,780	45,622	43,408	43,171		+18	+7	+20	-12	-3	-1	-12	-3	-1	
17.....	1,143	1,026	1,486	1,885		32,030	27,585	27,562	27,164		-10	+45	+27	-14	-1	-1	-14	-1	-1	
18.....	2,778	3,087	3,249	3,936		8,261	9,103	11,405	15,974		+11	+5	+21	+10	+25	+40	+10	+25	+40	
Totals.....	12,783	13,978	16,137	18,973		883,209	818,710	815,591	861,692		+9	+15	+18	-7	-0	+6	-7	-0	+6	

Note: Total Saskatchewan Population, Indians and Non-Indians: 1941—895,992; 1946—832,688; 1951—831,728; 1956—880,665

In 1941 Indians were 1.4% of the total population

In 1956 Indians were 2.2% of the total population.

Source: *Census of Canada*, 1941, 1946, 1951, 1956, D.B.S. Ottawa.



TABLE 2.

NUMBER OF INDIANS LEAVING RESERVES, BY YEAR, SASKATCHEWAN, 1941-1957

Year	Population <sup>1</sup>	Population Plus- Births Minus Deaths <sup>2</sup>	Exodus <sup>4</sup>	Per Cent of Population Who Left
1941.....	12,783	13,219	197	1.5%
1942.....	13,022	13,386	125	1.0
1943.....	13,261	13,690	190	1.4
1944.....	13,500	13,901	162	1.2
1945.....	13,739	14,382	404	2.9
1946.....	13,978	14,516	106	0.8
1947.....	14,410	15,043	201	1.4
1948.....	14,842	15,632	358	2.4
1949.....	15,274	16,017	311	2.0
1950.....	15,706	16,696	559	3.6
1951.....	16,137	17,074	370	2.3
1952.....	16,704	17,531	260	1.6
1953.....	17,271	18,309	471	2.7
1954.....	17,838	19,042	637	3.6
1955.....	18,405	19,479	506	2.7
1956.....	18,973	20,235	695	3.7
1957.....	19,540	20,831	724	3.7
1958.....	20,107			
1959.....	22,934 <sup>3</sup>	Total Exodus 1941-58....6,276		

<sup>1</sup> SOURCE: *Census of Canada*, 1941, 1946, 1951 and 1956, D.B.S. Ottawa.

Dominion Bureau of Statistics intercensal estimates for other years.

<sup>2</sup> SOURCE: Tables on births and deaths by year, Research and Statistics Branch, Saskatchewan Dept. of Public Health.<sup>3</sup> SOURCE: Saskatchewan Regional Office, Indian Affairs Branch.<sup>4</sup> Second Column less population of succeeding year.

TABLE 3.

INDIAN POPULATION<sup>1</sup> AND PERCENTAGE CHANGE BY FIVE YEAR PERIODS,  
PRAIRIE PROVINCES, 1939-1959.

Year	Saskatchewan		Alberta		Manitoba	
	Number	Percentage Change in Past 5 years	Number	Percentage Change in Past 5 years	Number	Percentage Change in Past 5 years
1939.....	13,467	%	11,717	%	14,389	%
1944.....	14,667	8.9	11,922	1.8	15,747	9.4
1949.....	16,468	12.3	13,805	15.7	17,389	10.4
1954.....	18,750	13.9	15,715	13.8	19,684	13.2
1959.....	22,934 <sup>2</sup>	22.3	3	3	3	3

<sup>1</sup> SOURCE: *Census of Indians in Canada* 1939; 1944; 1949; 1954.

Department of Citizenship and Immigration Indian Affairs Branch, Ottawa, Queen's Printer.

<sup>2</sup> SOURCE: Indian Affairs Branch, Saskatchewan Regional Office.<sup>3</sup> Data not available.

TABLE 4.

INDIAN AND NON-INDIAN LIVE BIRTHS AND DEATHS WITH ANNUAL RATES  
PER 1,000 POPULATION, SASKATCHEWAN—1941-1958

Year	Population <sup>1</sup>		Births <sup>2</sup>				Deaths <sup>2</sup>			
			Number		Rate		Number		Rate	
	Indians on Reserves	White	Indians on Reserves	White	Indians on Reserves	White	Indians on Reserves	White	Indians on Reserves	White
1941	12,783	883,209	844	17,620	66.0	19.9	408	6,050	31.9	6.9
1942	13,022	834,978	819	17,370	62.9	20.8	455	5,735	34.9	6.9
1943	13,261	824,739	829	16,675	62.5	21.4	400	6,254	30.2	7.6
1944	13,500	822,500	800	17,338	59.3	21.1	399	6,055	29.6	7.4
1945	13,739	819,261	1,003	17,923	73.0	21.9	360	6,069	26.2	7.4
1946	13,978	818,710	962	20,471	68.8	25.0	424	5,998	30.3	7.3
1947	14,410	821,590	1,089	22,245	75.6	27.0	456	6,154	31.6	7.5
1948	14,842	823,158	1,159	20,403	78.1	24.8	369	6,127	24.9	7.4
1949	15,274	816,726	1,182	20,480	77.4	25.1	439	6,157	28.7	7.5
1950	15,706	817,294	1,340	20,206	85.3	24.7	350	5,893	22.3	7.2
1951	16,137	815,591	1,342	20,391	83.2	25.0	405	6,035	25.1	7.4
1952	16,704	826,296	1,301	21,304	77.9	25.8	474	6,151	28.4	7.4
1953	17,271	843,729	1,438	22,265	83.3	26.4	400	6,287	23.2	7.5
1954	17,838	855,162	1,488	23,493	83.4	27.5	284	6,039	15.9	7.1
1955	18,405	859,595	1,466	23,280	79.7	27.1	392	6,269	21.3	7.3
1956	18,973	861,692	1,583	22,476	83.4	26.1	321	6,345	16.9	7.4
1957	19,540	860,460	1,614	22,307	82.6	25.9	323	6,420	16.5	7.5
1958	20,107	867,893					245	6,238	12.2	7.2

<sup>1</sup> SOURCE: *Census of Canada* 1941, 1946, 1951, 1956; D.B.S. intercensal estimates for other years, Ottawa.<sup>2</sup> SOURCE: Research and Statistics Branch, Saskatchewan Department of Public Health.<sup>3</sup> Data not available.

TABLE 5.

INFANT DEATHS AND RATES PER 1,000 LIVE BIRTHS AMONG INDIANS AND  
NON-INDIANS<sup>1</sup> SASKATCHEWAN, 1941-1957

Year	Number of Births		Number of Deaths		Rate Per 1,000 Live Births	
	Indian	White	Indian	White	Indian	White
1941	844	17,626	143	798	175.4	45.3
1942	819	17,370	187	601	228.3	34.6
1943	829	17,675	129	744	155.6	42.1
1944	800	17,338	158	700	197.5	40.4
1945	1,003	17,923	142	682	141.6	38.1
1946	962	20,471	162	842	168.4	41.1
1947	1,089	22,245	180	838	165.3	37.7
1948	1,159	20,403	145	722	125.1	35.4
1949	1,182	20,480	180	654	152.3	31.9
1950	1,340	20,206	154	536	114.9	26.5
1951	1,342	20,391	156	520	116.2	25.5
1952	1,301	21,304	214	573	164.5	26.9
1953	1,438	22,265	219	578	152.3	26.0
1954	1,488	23,493	146	562	98.1	23.9
1955	1,466	23,280	197	548	134.4	23.5
1956	1,583	22,476	120	560	75.8	24.9
1957	1,614	22,307	131	478	81.2	21.4
1958			104	512		

<sup>1</sup> SOURCE: Research and Statistics Branch, Saskatchewan Department of Public Health.<sup>2</sup> Data not available.

TABLE 3.  
INCOME OF SASKATCHEWAN INDIANS BY AGENCY—YEAR ENDING MARCH 31, 1959

Agency	1.		2.		3.		4.		5.		6.		7.	
	Transfer Payments (including relief)		Fishing, Trapping Wild Fruit		Sale of Grain and Stock		Wages (off Reserve)		Leases— Oil and Land		Other Income <sup>1</sup>		% of Income Derived from Col. #'s 2, 3 and 4	
	Amount	Per Capita	Amount	% of Total Income	Amount	% of Total Income	Amount	% of Total Income	Amount	% of Total Income	Amount	% of Total Income	Amount	% of Total Income
Battleford.....	\$ 532,495	232.33	\$ 257,348	48	\$ 69,494	13	\$ 130,240	24	\$ 41,930	8	\$ 21,977	4	\$ 39	39
Carlton.....	967,872	238.39	276,769	29	313,842	4	273,100	28	20,002	2	45,050	5	64	64
Crooked Lake.....	352,692	183.72	177,761	46	7,975	2	7,100	2	21,740	6	73,476	10 <sup>2</sup>	12	12
Duck Lake.....	320,910	187.34	112,190	35	23,700	7	50,600	19	4,250	1	23,190	7	57	57
Shellbrook.....	369,373	178.39	183,194	50	69,709	19	66,745	18	4,760	1	17,075	5	45	45
F. H. Qu'Appelle.....	484,852	185.41	243,342	50	17,440	4	48,600	10	34,685	7	25,285	5	38	38
Pelly.....	268,593	197.79	122,016	45	4,105	2	89,222	33	1,200	0.4	7,550	3	52	52
Touchwood.....	414,287	165.25	220,227	53	12,635	3	81,700	20	—	—	25,949	6	41	41
Meadow Lake.....	796,380	247.86	234,963	30	241,430	30	148,027	19	5,122	0.6	110,675	14 <sup>3</sup>	56	56
Sask. Admin.....	69,917	292.54	16,022	23	1,945	3	19,700	28	3,200	5	16,000	23 <sup>4</sup>	50	50
	4,607,370	207.78	1,843,832	40	662,378	14	1,010,112	22	136,879	3	386,227	8	49.04	49.04

NOTE: These figures include both income in cash and income in kind. In 1958, personal income per capita in Saskatchewan was \$1,245.

SOURCE: Saskatchewan Regional Office, Indian Affairs Branch.

<sup>1</sup> "Other Income" components were: (a) timber and fuel wood (wood and timber cut for own use)

(b) handicrafts

(c) miscellaneous

<sup>2</sup> 16% was "miscellaneous"

<sup>3</sup> 13% was from "timber and fuel wood"

<sup>4</sup> 21% was from "timber and fuel wood."

TABLE 7.

INDIAN RESERVE LAND USE IN SASKATCHEWAN BY AGENCY AS AT AUGUST 1959<sup>1</sup>

Agency	Total Reserve Acreage	Band Population	Acreage Leased out		Acres Per Capita		
			Acres	% of Total	Acres Not Leased out	Total	Not Leased out
Saskatchewan							
Administrative Region.....	8,640	129	—	—	8,640	67	67
Battleford.....	177,057	2,495	32,115	18.1	144,942	71	58
Carlton.....	137,613	4,194	31,090	22.6	106,523	33	25
Crooked Lake.....	128,757	2,124	7,409	5.8	121,348	61	57
Duck Lake.....	104,315	1,852	51,219	49.1	53,096	56	29
File Hills—Qu'Appelle.....	181,170	2,710	23,780	13.1	157,390	67	58
Meadow Lake.....	176,956 <sup>2</sup>	3,332	4,268	2.4	172,688	53	52
Pelly.....	46,163	1,382	24,438	52.9	21,725	33	16
Shellbrook.....	134,393	2,139	22,625	16.8	111,768	63	52
Touchwood.....	119,636	2,577	3,260	2.7	116,376	46	45
	1,214,700 <sup>2</sup>	22,934	200,204	16.5	1,014,496	53	44

<sup>1</sup> SOURCE: Correspondence, N. J. McLeod to Hon. J. H. Sturdy, October 5, 1959.<sup>2</sup> Includes 9,030 acres in Alberta. (Acreage in Saskatchewan 1,205,670)

TABLE 8.

INDIAN SCHOOL STATISTICS—SASKATCHEWAN, 1958 (January 31)

## INDIAN SCHOOLS

Number by Type		Enrolment
9 Residential (2 Anglican, 7 Roman Catholic).....		1,788 plus 127 day pupils
67 day schools.....		2,471
1 seasonal school.....		41
1 hospital school.....		24

## PROVINCIAL AND PRIVATE SCHOOLS—INDIAN ENROLMENT

Grade	Number of Children	Institutions of further education	Number of Persons
1	142	University.....	4
2	56	Normal School.....	4
3	33	Nursing training.....	6
4	30	Commercial.....	4
5	38	Trades.....	6
6	16	Nurses Aid.....	4
7	21	Others.....	1
8	16		—
9	49	All Institutions.....	29
10	30		
11	17		
12	10		
All Grades	487 <sup>1</sup>		

SOURCE: *Department of Citizenship and Immigration—Annual Report 1958*, Ottawa, Queen's Printer.<sup>1</sup> Includes 63 pupils who live in residential schools.



TABLE 9.

TEACHERS IN INDIAN SCHOOLS IN SASKATCHEWAN, 1958<sup>1</sup>

Day Schools.....	108
Residential Schools.....	78
Hospital Schools.....	2

<sup>1</sup> SOURCE: *Department of Citizenship and Immigration 1958 Annual Report*, Ottawa, Queen's Printer.

TABLE 10.

DISTRIBUTION OF TEACHERS AND STUDENTS IN "PRACTICAL ARTS"—  
SASKATCHEWAN 1958

	All Schools	Day Schools	Residential Schools	Hospital Schools
Teachers in Practical Arts				
Industrial Arts.....	12	3	9	—
Home Economics.....	13	4	9	—
Students in Practical Arts				
Industrial Arts.....	375	73	302	—
Home Economics.....	570	89	481	—

SOURCE: *Department of Citizenship and Immigration 1958 Annual Report*, Ottawa, Queen's Printer.

TABLE 11.

INDIAN AND TOTAL HOSPITAL DISCHARGE RATES PER 1,000 POPULATION;  
PATIENT DAYS PER 1,000 POPULATION;  
AVERAGE DAYS OF STAY, SASKATCHEWAN 1956-58

Year	Discharge Rates		Patient Days		Average Days of Stay	
	Indians	All Persons	Indians	All Persons	Indians	All Persons
1956.....	321	202	3,840	2,099	11.9	10.4
1957.....	383	211	4,318	2,120	11.3	10.1
1958.....	337	205	3,458	2,043	10.3	10.0

SOURCE: Saskatchewan Department of Public Health. Tables and annual rates are based on experience for the six-month period July 1, 1958 to December 31, 1958.

## SOURCES

The important role which public officials played in the identification of problems and in the provision of essential data is here acknowledged.

Thanks are due particularly to officials of the Indian Affairs Branch, the Indian Health Services Division, the Regina Welfare Council and to Provincial Government Departments, for their kind help and valuable suggestions.

The following publications were also used as sources of information:-

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The VICE-CHAIRMAN: Ladies and gentlemen, I will now call on the hon. Mr. Sturdy.

MR. STURDY: Thank you, Mr. Chairman. Chairman Senator Gladstone, hon. members of the committee: may I first express the appreciation of the government of Saskatchewan in having been invited to appear before this committee to submit a brief, which is before you. We trust that this brief of ours, upon which considerable time has been spent, some research and considerable revision, will be of assistance to you in presenting your final report to parliament.

I have been somewhat preoccupied during the past several weeks, for obvious reasons, and I am happy to have with me Ray Woollam, who is the director of our provincial committee on minority groups. I was chairman of this committee from 1956 to the present time, and that indicates my interest in part in the question before the committee.

I should like to make somewhat of a general statement to the committee, Mr. Chairman, some of which is not contained in the brief. You may wish to incorporate it in the brief.

I should like to present to the committee a brief outline of the history of our Saskatchewan Indians since the coming of the first white man, Henry Kelsey, in 1690. It was he who introduced the Hudson Bay Company and the fur trade industry to the province.

This began a dynamic period of history in which the Indian played an important role. Indeed, without the Indian there would have been no fur trade industry. It was he who trapped the fur bearing animals, manned the transportation, blazed new trails and kept communications with the outside world open. Indian women prepared the furs for shipment and the food required by the trappers, traders and canoeemen. The relations of Indians and whites were, for the most part, intimate, friendly and mutually helpful. Whites and Indians were associated in an enterprise which created an economic and social system marked by mutual aid and mutual respect. Under these circumstances, intermarriage was common and for the time being the integration problem was solved.

The Hudson Bay Company controlled the flourishing fur trade industry but the Indian made the industry possible. By 1870 the Hudson Bay Company wisely concluded that it could no longer police, administer and control the vast area of Ruperts Land it held by charter from the British crown so it sold its concession to the newly created dominion of Canada for £300,000 retaining certain areas surrounding their trading posts as well as 1½ sections of each township opened to settlement. Without entering into a discussion as to the Hudson Bay Company's action in bartering away lands to which it had dubious moral and legal rights, I wish to point out the effects on the native population.

The fur trade industry was destroyed in the prairies and parkland areas and became relegated to the bush and northern areas; ruthless destruction of the buffalo and the agricultural development of the prairie left the Indian helpless and hopeless. His means of livelihood disappeared over night. He couldn't turn to agriculture—even the white farmers with experience and financial credit had a precarious time of it until after the turn of the twentieth century.

Among all the provinces of Canada, I venture to say that up until a decade ago, Saskatchewan had the least industrial, resource and mineral development. Hence there was no employment in these fields for Saskatchewan Indians. The limited employment the prairie Indians received in agriculture disappeared with the advent of mechanized farming. The Saskatchewan Indians were more and more irrevocably bound to the reservations allotted them and they have become increasingly dependent on the paternalism of the federal government whose wards they have always considered themselves to be.

Canada has achieved an enviable reputation in the U.N.O. and among nations for its direct and indirect contributions to underprivileged people and underdeveloped countries of the world. Canada's policy in this regard is most praiseworthy but there is a growing impatience among our own underprivileged people, the Indians in particular, with a policy that is generous to strangers but parsimonious and neglectful of its own people.

This is refugee year in which we are asked to turn our thoughts, sympathies and help to the displaced persons of the world—to the segregated camps where political refugees are eking out a precarious, frustrated, sub-marginal existence.

I would ask the people of Canada and particularly the members of this committee to recognize, at least, the historical reality of our own country where segregated camps by way of reserves were set up in the 1870's as a repository for the political refugees of that day. Hence for the past 80 years our original settlers, the Indians, have existed under conditions which for the most part are as bad as those in the refugee camps which concern us so much today. And the solution of our native problem is much more complex than that of many displaced persons where it is simply the case of money. In Saskatchewan we are presently raising money to close down two refugee camps in Germany. When our monetary objective is achieved, two of our citizens will undoubtedly be given the honor of setting fire to those camps and enjoy the satisfaction of seeing them burned out of existence. It will be a long time and then only with the expressed wishes and consent of the Indians before our segregated reservations pass out of existence and our native people completely integrated into the social, economic and political life of our nation—if this is our objective—which I presume it is.

Ours is a monumental task to accelerate the transference of our native people from their stone age culture of a century ago to the complex, rapidly changing technological civilization of the twentieth century.

That many of our Indians bridged this gap and have achieved integration speaks well for the innate intelligence and adaptability of our native people and should make us hopeful.

I have always felt if rapid and a desirable degree of integration is to be achieved, the provinces and municipalities must participate in the solution of the Indian problem. Any province with an Indian population that claims it has no Indian problem is deceiving itself and is simply laying up much more serious problems for the future. Any solution contemplated by this committee must be predicated on provincial and municipal participation and financial assistance to encourage this and make it possible must be forthcoming from the federal government.

Whether Ottawa is too distant from the day to day problems of the Indians or whether policies and programs affecting the Indians have been ill conceived, inadequate or in certain areas lacking altogether, the fact remains that not only have the Indians generally failed to advance, to improve and to become an integral part of Canadian society but the problems of which I speak have become progressively worse each decade of the century of federal administration. I don't think that the most sincere efforts of the federal administration *alone* will eradicate or even arrest this progressive deterioration. Among other signs of deterioration is the reduction of the prairie Indian from a condition of complete independence and self-reliance to almost complete dependence. Reservations are becoming more and more mere domiciliary areas for the convenient distribution of whatever relief paternalistic governments may care to hand out.

Recognizing that every province and every municipality with an Indian population has an Indian problem, why aren't they acutely aware of it and why aren't they prepared to do something about it? Why aren't they before this committee in large numbers with carefully prepared briefs? And why aren't they volunteering to participate in programs designed to improve the lot of the Indian? After all the Indians are citizens of these provinces and municipalities and their welfare should be their concern.



There are many reasons for this apparent non-concern and non-participation by provincial and municipal authorities. I shall mention a few of the more cogent ones:

When the Treaties of the 1870's were signed, the federal government encouraged and the Indians insisted that they were the wards of the great white mother and her representatives here in Canada. Wardship at best is a temporary device to care for those who by reason of age or circumstances are unable to fend for themselves. All provincial welfare departments make use of wardship and then set about removing the circumstances that made it necessary. In respect to the Indians, it seems to me that the federal government has failed in this regard and the provincial authorities have been prone to accept the status of the Indian as that of a *ward* of the Federal Government;

Provincial and municipal authorities are suspicious of the federal government even as the Indians in general are suspicious of the white man. These junior governments are loath to undertake programs in the interest of their Indian citizens lest they be left not only with the social responsibility but with the financial responsibility as well. They are naturally loath to assume responsibility not obligatory under the constitution however pressing their moral and social responsibility with respect to their Indians may be. They will, however, participate in carefully thought-out programs designed for the improvement of the Indians if the federal government will share substantially in the cost. At least that is the position of the government of Saskatchewan, which I am authorized to state.

Some programs are self-evident and may be undertaken forthwith but not without mutual agreement. There appears to be an almost complete lack of effective liaison between federal and provincial authorities and this can best be corrected by frequent conferences and by giving to the *Indian Affairs personnel assigned to each province* full authority to work out programs with the local government and to enter into agreements with it. May I mention what appears to be some of these self-evident beneficial programs?

Grid roads to be constructed on reservations to fit into the province-wide grid road and highway system;

Integrated education commencing when the child enters school should be encouraged and will become a possibility if decent all weather roads for school busses are available;

Subsidized electric power and telephones as a means of helping to break down the isolation and segregation of reservations;

Saskatchewan has had province-wide hospitalization since January, 1947, and is soon to have universal health services. Surely by agreement these services can be made available to our Indian people.

Co-operative enterprises have been introduced into northern Saskatchewan with Indian participation but with little or, in many cases, no financial assistance from Ottawa. The Indian philosophy lends itself to participation in co-operatives and an immediate start might be made in co-operative farming on the park land and prairie reservations. Surely this would be better than leaving over 200,000 acres of the best agricultural Indian lands to white farmers;

A sort of do-it-yourself house building program has been introduced in northern Saskatchewan. The principal government provides technical assistance, hardware and limited credit as well as portable sawmills. The replacement of the slums and hovels in which most Indian families live across the nation is an immediate imperative. Technical and trade training of Indian youth with up-grading in education where necessary would seem to be a self-evident program of real merit. A modest start has been made in Saskatchewan, with surprisingly good results. This and the provision of employment opportunities would appear to be an important step towards integration.

In conjunction with a start on self-evident programs, there should be long range careful planning based on the best informed opinion available and based on a continuous scientific social survey of Indian life in each province with a sizeable Indian population. Our government has offered to share in the cost of a social survey of Saskatchewan Indians but to date our offer has been turned down by Ottawa.

There is another matter not specifically dealt with in our brief which I should like to bring to your attention. Discrimination against minority groups is an ever present threat and Canada has not escaped, witness the Japanese in B.C., during World War II, the Negroes in Drayton, Ontario, and the Hutterites of Alberta. Basically discrimination arises out of an economic threat by a minority group toward a dominant, entrenched society. A minority group is always a convenient scapegoat for economic ills and I regret the habit of certain unethical and indeed unscrupulous politicians of diverting public attention and criticism from themselves, to unprotected minority groups.

So far Saskatchewan, as elsewhere, there has been little evidence of anti-social attitudes towards our Indians. This may well be because the Indians have never constituted an economic threat to the dominant society. However the day is not far distant when the burgeoning Indian population, now largely confined to reservations, will explode into white communities and present a serious problem indeed. To avert this we cannot rely entirely on a National Bill of Rights, however desirable this may be, but rather on our sympathetic understanding of the Indians, their way of life and their problems and an acceptance of our responsibility to secure for them the same degree of well-being and security we demand for ourselves.

MR. STURDY: Mr. Woollam will take over the presentation of the recommendations contained in the brief, and we shall be happy to answer any questions that the committee members may care to ask.

THE VICE-CHAIRMAN: Preceding that presentation, I am sure the committee would like to ask you some questions in regard to your preliminary and I think probably those questions should precede Mr. Woollam's presentation of the recommendations.

SENATOR HORNER: Mr. Chairman, I would like to ask Mr. Sturdy a question. Were you referring, when you spoke of minority groups in Saskatchewan, entirely to Indians? I noted that you did mention the Hutterites in your remarks. Are you in favour of allowing the Hutterites to take over the province of Saskatchewan?

MR. STURDY: There is not the slightest chance that the Hutteries will take over the province.

SENATOR HORNER: The Hutterites are people who will not alter their way of life, and will not become citizens or take any part of the responsibility of citizens.

MR. STURDY: I think, with all due respect to you, Senator, that there is a misconception regarding the Hutteries, as there is a misconception regarding the Indians. I have been closely associated with the Hutteries in our province for the past several years. It was not necessary for the Saskatchewan government to pass restrictive legislation as it has been in Alberta, but we have mutual agreements with the two branches of the Hutterite people in Saskatchewan—the Lehrer Leute and the Darius Leute. They have agreed not to concentrate in areas that would constitute a disruption of local conditions.

May I speak in defence of the Hutterite people?

THE VICE-CHAIRMAN: Mr. Sturdy, I am sorry to interrupt you, and I must put part of the blame on Senator Horner, but this subject has nothing to do with the study of this committee. I think we should get back to the consideration of the Indian problem rather than that of the Hutterite people.

Senator HORNER: In view of the fact that this discussion has gone as far as it has, Mr. Chairman, I would like to ask a further question. You have an agreement that prevented the necessity of passing legislation.

Mr. STURDY: Yes, I see the difference, Senator Horner. This is an unilateral agreement which they apparently entered into, but the province is not a party to that agreement.

I am sorry, Mr. Chairman, and I agree with you that the Hutterite problem is not part of the study of this committee and probably rose as a result of the fact that I dealt with minority groups. This committee is concerned first and foremost with our Indian people, but another minority group has been the Hutterites and this has been a concern to the Saskatchewan committee.

Senator SMITH (*Kamloops*): Would you give us the name of the man whom we are going to hear from now?

The VICE-CHAIRMAN: Mr. Woollam will be dealing with the recommendations.

Are there any further questions to be asked of the Honourable Mr. Sturdy regarding his presentation?

I think for the benefit of the committee members, Mr. Sturdy, it might be wise at this time to have you point out just what your government is doing now to help the Indian situation with regard to some of the statements you have made. You were very tough on the federal government in regard to some of your remarks and I think probably you should explain what the government of Saskatchewan is doing in regard to this situation.

Mr. STURDY: May I make it absolutely clear, Mr. Chairman, that my remarks were not directed toward this federal government. I referred to federal governments since confederation, or since the 1870's when the Indian people became a concern. My criticism was certainly not directed against this particular government. As a matter of fact, I think this government is to be congratulated for having set up this committee to study in an objective way this problem, and attempt to arrive at some solution to it.

Now, Mr. Woollam will deal from time to time as he proceeds with the recommendations with that which has been done by the province in respect to the Saskatchewan Indians. Would that be satisfactory, Mr. Chairman?

The VICE-CHAIRMAN: Yes.

You did refer to the fact that you suggested a study be made of the situation in Saskatchewan, and this suggestion had been turned down by Ottawa. I feel that perhaps you realize this committee has been set up for that specific purpose, and if we were to set up similar committees in each province I think perhaps we would be duplicating our work.

Mr. WOOLLAM: I might interject here and say that we referred to a social survey of the Saskatchewan Indians, which I think will be brought out later as we proceed with the recommendation.

Mr. STURDY: It was the previous administration, Mr. Chairman, that we had approached with a view to sharing in the cost of a social survey of Saskatchewan Indians conducted under the aegis of the university of Saskatchewan. As a matter of fact, we approached this government when the Honourable Mr. Pickersgill was the minister. Certain progress was made, but a final agreement has never been reached between the provincial government and the federal government to share in the cost of a social survey of Saskatchewan Indians. We still hope that this will be possible because we feel that there are many unanswered questions, and many unanswered questions that even this committee will be unable to deal with, and that can be dealt with only by a scientific social survey dealing with every reservation in our province, finding the answer to some of the questions enabling us to plan constructively for the betterment of our Indians.



Senator SMITH (*Kamloops*): Mr. Chairman, having gone so far in this direction I think it would be favourable if we had further explanation in regard to a statement which was made, and I think for the record before we leave this subject we should have it clarified. So far as the activity here in Ottawa, whatever government was in power, and extending over a long period of time, with changing conditions and circumstances, I do not think it is right to leave the impression that this government or any other government in Ottawa has approached this problem in a negligent manner. There has been continuous effort in regard to this problem. Some of the members of the committee have served on the Indian affairs committee over a long period of years.

Mr. STURDY: May I point out, Mr. Chairman, that we hope to do in Saskatchewan what the province of British Columbia did when the Belshaw committee made a social study of the British Columbia Indians. There is a vast difference in the conditions of Indians in the various provinces and we were hoping to make some type of social survey under the aegis of possibly the university of Saskatchewan, which could perhaps carry on this survey from year to year which would result in some type of program.

Senator SMITH (*Kamloops*): I do not want to prolong this discussion, Mr. Chairman, but I want to make this point clear. Are the Indian bands in Saskatchewan all treaty Indians?

Mr. STURDY: Yes. There is some doubt in my mind in regard to the Chipewyans in the extreme north, but certainly all other bands are under treaty.

The VICE-CHAIRMAN: I would like to agree with you, Mr. Sturdy, in regard to the fact that the Hawthorne report from British Columbia has done a considerable amount of good in clearing up some of the difficulties in regard to Indians all across Canada.

Mr. STURDY: Yes, I agree that that document and the effort put into the survey has not been wasted, but the conditions of the British Columbia Indians are vastly different to the conditions of the Indians on the prairie and in our northland. I think a similar social survey in regard to Saskatchewan Indians may be of great importance. I would like to see such a survey continued over a period of years, conducted by the department of sociology of the university of Saskatchewan. Only in that way can we fully assist in the policy and various programs which may be instituted for the benefit of Indians.

The VICE-CHAIRMAN: Are there any further questions, ladies and gentlemen?

Mr. SMALL: I have one question I would like to ask. Mr. Sturdy made the statement that there was a difference in regard to the Indian problem in the provinces. I would like to supplement that statement by saying that there is a difference between the Indians in the south portion of the province from those in the north. Is it a fact that this difference exists in other provinces?

Mr. STURDY: I would say that is certainly true in regard to the three prairie provinces to a much greater degree than any other of the provinces in Canada. The Indians on the prairies and the parklands operate in the field of agriculture largely as a means of livelihood. The Indians in the north part of the country of course have other resources upon which they can depend.

Senator HORNER: Mr. Chairman, just before we leave this subject, portions of your brief leave the impression that you have just realized that this difficulty exists at the present time, notwithstanding the fact that the federal government has employed farm instructors to assist the Indians and carried out what you might call social surveys. I have been a member of a committee for many years listening to representatives of every band of Indians, and there has been a continuous effort on the part of the government here in Ottawa to assist them. This problem is not a new-found thing, as your brief would indicate.



Mr. STURDY: I thought I had pointed it out. It may be, Senator Horner, that the provinces and municipalities are, more and more, coming to the full realization that they have a responsibility in this field. I have taken considerable pains to point that out.

Surely, you, senator, are not happy with the results that have been obtained, so far as our Indians are concerned. If you were, then this committee would not have been set up.

Senator HORNER: Well, many of them are leading the type of life that they are the envy of many men who do not know how to take a holiday, and are grabbing for the almighty dollar. There are a great many of them who enjoy life to a much greater extent than any of the rest of us.

The VICE-CHAIRMAN: Are there any further questions?

If not, I would ask Mr. Woollam to proceed with his part of the brief.

Mr. RAY H. WOOLLAM: Well, Mr. Chairman, I think perhaps by way of introduction to any brief that is as unbrief as this one, we ought to proceed as we do when we buy something at the corner magazine stand—and that is open up at the back page, and work forward. May I refer, first of all, to the acknowledgement page at the back?

I would like to start out by indicating something of the great effort that went into the construction of this brief.

I recently spent a few days at Kingston, where the Indian-Eskimo Association held a seminar. My purpose was partly to 'check out' the brief against various kinds of thinking and suggestions in respect to Indian affairs on the continent made by some of the leading anthropologists who were there.

I feel we have here a very sound brief. It is partly so, because of the way in which we arrived at our conclusion.

Our provincial planning board—particularly through the efforts of Miss Sheila Scott—and of Mr. Shoyama and Mr. Levin—put the brief into its first draft. The planning board of the province worked two months, at interviewing provincial and federal employees and Indian people in an effort to bring about a basis for the recommendations. Some of the people and agencies who were interviewed are mentioned in the last two pages.

I would like to draw to your attention that I think the province has no particular corner on the information, or recommendations that are here. Many have come directly from the Indian affairs people, Indian health service people, and other people working on the problems of administration at the provincial level.

I think, then, still proceeding in the fashion that we do when we pick up a novel, we might turn to the summary of conclusions on pages 89 and 90. I wonder, since we are not going to read through the brief, and only will be making passing references to certain paragraphs throughout, if it might be in order to run through quickly this summary of conclusions?

The VICE-CHAIRMAN: I understood you were going to start at page 17, and proceed with that.

Mr. WOOLLAM: All right; as I share your feelings about this reading business.

First of all, I would like to read two sentences, which we consider to be the core of this brief. It starts at the bottom of page 89, and reads as follows:

The increasing integration of the Indian into Canadian life means that he will be using more and more services provided by provincial and municipal governments. Joint federal-provincial planning is necessary to coordinate existing services so that they conduce to the desired end of integration.

Now, I think if there is one central theme that we would emphasize throughout our presentation, it is the theme that refers to the need for a carefully scheduled series of planning conferences between provincial and federal people. This recommendation is latent in almost every other one included in our list of recommendations. In this regard, I had some discussions at Kingston this week with officials from Newfoundland, British Columbia, and from Manitoba. I think the feeling was that these governments were as desirous as the Saskatchewan government is, to bring about a series of conferences, of a planning nature, between the provinces and the federal people.

I think the kind of cooperation which you are seeking, and which we seek from a provincial level, cannot happen miraculously, or accidentally. During my work, I have chatted with Indian affairs personnel, over the past couple of months, about the possibility of one particular joint program between the provincial and federal administrations. I ran into the feeling, at the federal level, as stated by the regional superintendent, when he said: "I am a civil servant of the federal government, and there is nothing in my terms of reference to place the onus upon me, at this point, to initiate discussion on the problem, although I certainly see the value of it."

In relation to the same particular problem, I went to one of our deputy ministers at the provincial level, and was amazed when he summed it up like this: "of course, it cannot be up to me to initiate this, because I am a provincial civil servant." I have discovered over and over again such instances where neither provincial nor federal civil servants, because of their terms of reference, and their administrative context have felt the responsibility for initiating discussions in matters of joint programming. Repeatedly such responsibility has been left at the political level of administration.

I would suggest to you that I think the time has come—and nothing here is implied by way of criticism—(we are favoured to-day in Canada, with a growing social conscience or social awareness, which was not the case five, ten, or twenty years ago)—we are at the time when we ought to be sitting down to plan out, in a scheduled fashion, the answers to these problems, and to certain of the joint enterprises which are of mutual concern.

I suppose there are many ways in which this might be pursued. It might be pursued in terms of a program of problem-oriented conferences. It might be that the prairie provinces have a unique relationship to certain phases of Indian affairs problems, which would suggest to us that a conference of particular departmental people, at one level of the three prairie provinces, might well consult with the federal people at a similar level. It might be a good idea to bring together representatives of all the provinces, in order to take a long look at the possibility of the kind of conferences that should be scheduled in this regard.

I suppose we find, in a sense, that the things we are endeavouring to do in the province at the moment, do not fit in with long range objectives. Therefore, it might be helpful for you to hear some of the things that we, in the province, are endeavouring to do, and I would like to sketch a few of these, as appropriate to this first theme of our brief.

One of the first things with which we are concerned at the moment is the economic phase of the problem. Our new department of industry and information has been having discussions with our provincial committee on minority groups concerning the appointment of an expert to research the on-reserve and near-reserve industrial development potential, within the province of Saskatchewan. We feel that some bold thinking and planning has to be done here.

Such a problem which is being considered at the provincial level is the development of the "cottage industry" of Indian crafts. As you may know, our department of cooperatives and our department of natural resources are setting up a craft marketing service this summer at Lac La Ronge, and a \$10,000 build-

ing will be erected perhaps next year by the province. We hope the department of cooperatives will be able to put a man in the field to develop this craft industry because this is a self-evident project which we can do. Again, how does this fit into the philosophy of Indian affairs? How does it fit the long range over-all scheme? At present, our Arts board has been doing a considerable amount of work in this field, perhaps from an aesthetic interest which sprung up from a kind of particularized concern which may or may not be good for the over-all development of this kind of project. Nonetheless, there is a gap here between provincial programming and an awareness of federal intention.

The third thing I would mention, is that our department of municipal affairs has suddenly become concerned about the on-reserve grid road system, or lack of system, in the province, particularly because this affects the process of Indian educational integration. It is obvious that grid roads on the reservations of the province are, more or less, nothing more than moose trails, and have no planned relation to our province wide municipal grid-road system. In regard to many reservations in the provinces, the lack of good grid roads provides a block to transporting Indian children to municipal schools. We feel it is imperative on the province to plan and move toward the involvement of Indian reserve roads into the grid road system of the province of Saskatchewan. In this regard, we hope to initiate discussions between the municipal, federal, and provincial people and band councils on this matter. It is our hope to initiate such a conference within the near future, in order to give priority to these transportation problems that often undermine other constructive program intentions.

Mr. STURDY: Mr. Chairman, speaking as a government we are most favourably disposed toward complete integration of education, commencing when the child enters public school. Now that we have the larger units in our province, we make use of bus transportation to bring children from considerable distances. If it is desirable to have integrated education, then certainly a grid road system to include the reserves of our province, is an absolute must. This will, to my mind, make two things possible: first, integrated education, commencing when the Indian child enters school and, secondly, it will tend to open up our reservations and make them, instead of a segregated area, a part of the larger community.

The VICE-CHAIRMAN: Is the Saskatchewan government not now paying the usual grants to reserves, as they do to municipalities?

Mr. STURDY: That has been done in the case of one reservation in the province, but it is not extensively used.

It would require an agreement between Ottawa and Saskatchewan, to make this program operative over the many reservations of the province because, in many cases, the Indians have not band funds, and would have to rely on financial assistance from Ottawa.

Mr. SMALL: In regard to the matter of roads, there is one thing that came up—and I am trying to recall whether it was one of the delegations from Alberta or Saskatchewan which mentioned it—that they themselves do place road blocks to stop the police from enforcing the law. To prevent the police from enforcing the law, they had made the roads almost impassable for their cars to come in. There was that difficulty, in connection with the road program; they did not want it to work in some reserves.

Mr. WOOLLAM: I think it is imperative that band councils be involved in any such decisions that are made. I do not think that something can happen here, by way of a blanket policy, beyond some decision concerning cost sharing. I think individual band council decisions have to be made before anything is put into motion. I do not think it can happen within a year or two. It is going to



take a long time. I would be interested in knowing more concerning the Ontario situation. My point was simply that we should have a decisive framework. If there was a scheduled series of provincial-federal conferences, to consider these kinds of problems, we would be well on the way to some decision.

Mr. SMALL: You made a statement about a seminar you had in Kingston recently, in which they checked out a good number of the suggestions and recommendations. Did you mean they agreed or did not agree?

Mr. WOOLLAM: In my own mind, I was out to verify some of the underlying pre-suppositions—some of the bases—upon which our brief is based. My personal opinion was that we had here a philosophical base that was sound.

The VICE-CHAIRMAN: I have been advised by Colonel Jones that we have now, more or less, an agreement with the province of Saskatchewan that we pay 50 per cent of any road construction carried on by you. Where the band has no funds, we pay the amount they would ordinarily be required to pay.

Mr. STURDY: May I point out that there are other difficulties in the way here that cannot be resolved between the department of municipal affairs and the province. There appear to be other difficulties in the way, such as access to the reservations, and the lack of authority on the part of the band council—the prohibition against entering the reservation; there are many problems other than the financial problem alone.

Mr. WOOLLAM: Colonel Jones indicated a unilateral commitment, which solves 50 per cent of the problem! However, this still leaves 50 per cent of the problem unsolved. I do not believe that any blanket agreement has been reached between the band councils, municipalities, the province and the federal government, in regard to an acceptable approach to this kind of a problem.

Mr. MARTEL: This contribution of 50 per cent for roads on the reserve, applies to the reserves only; it would not apply in the case of the road going to the reserve?

The VICE-CHAIRMAN: No, that is the province's responsibility.

Mr. MARTEL: Yes, but 50 miles of road may have to be built to serve a reserve properly—and the same applies in other provinces.

Mr. WOOLLAM: Another kind of project which is "happening" and which, I think, is divorced from any real over-all planning, is an enterprise between the provincial and federal people held at Saskatchewan House, Regina, last winter, where a pilot project in educational up-grading has gone on.

The federal people recruited students from reserves throughout the province, and paid the living costs of these students. The province supplied the teacher and the premises on which it was held. I think a very sensible type of program resulted. The question is being studied concerning a possible extensive magnification of this program, with perhaps outlets in Prince Albert, Saskatoon, and elsewhere.

Tied to this, we are doing a pilot project, commencing this fall, on vocational training for Indian and Metis young people from northern Saskatchewan. This will serve off-the-reserve Indian people. They will be Cree-speaking people, and we hope, over a period of six months, gradually to bring the students through an up-grading procedure into the existing vocational training set-up at Moose Jaw and Saskatoon. Again, ought the province to be moving into this, without an over-all sense of its "belonging-ness"?

Also, we are working, as I think you will see from the several papers you have in front of you, with the federation of Saskatchewan Indians. We have tried here to assist in developing an indigenous Indian organization representative of the band councils throughout the province—on the basis of relationship similar to that which the province has with the Saskatchewan Association of Rural Municipalities. We have tried to bring the Indian people together at



regular occasions when we may listen to the problems and concerns of the Indian people themselves. We have done this with excellent cooperation and assistance from the federal people, and from regional and Indian affairs branch people. Whether, again, there ought to be a more thorough provincial-federal relationship here, is a question which could be asked.

Other sporadic plans we have would include plans for a Cree broadcast out of Prince Albert, which would touch about 80 per cent of the Cree-speaking people in the province. We are hoping that such a broadcast will commence this summer. This is something the province will do on its own.

We are seeking different places within the civil service where we can make concessions to Indians seeking employment. For example, we are presently recruiting for a conservation officer school, which demands a grade 12 prerequisite. I am not sure of the exact number attending, but I think somewhere around 30 young men will be registered for this course. Special concessions to Indian applicants have been given by the department of national resources, and we have four or five young treaty Indian men, who will be given an opportunity to take part in this course. Some of them are only at a grade 8 academic level, and some at grade 10. We are looking at many places within the civil service where this kind of encouragement can be given.

We are trying, through the provincial committee, to give every encouragement to volunteer and religious organizations throughout the province who have paid lip service, and been active in, their concern about Indian affairs. One of the projects involved under this general heading is at Prince Albert and is in the form of what we have called the "Prince Albert Indian and Metis service council". Now, this service council is representative, I think you can say, of every public agency, every voluntary agency, and every religious agency within the Prince Albert community. It is representative also of a large number of Indian and Metis people who reside off-the-reserve. It has representative, also of the Federation of Saskatchewan Indians. It has four simple objectives which are a pattern, perhaps, which could be used by voluntary organizations across Canada. They are as follows:

No. 1—to study the needs of Indian and Metis people in Prince Albert.

No. 2—to initiate community action in respect to those needs.

No. 3—to encourage full community participation by people of Indian descent.

No. 4—to create better understanding between the Indian and the non-Indian citizen.

Again, this is something which has happened at the grass-roots level, and this is good. But we have tried from the point of view of the province and the Indian affairs branch to relate to this community project constructively and helpfully and we think that this kind of planning should be done more carefully and deliberately between the province and the provincial authorities.

I would mention also the way in which the province has worked at the fur and fish marketing problems in the north. I think most of you are somewhat familiar with the in-roads into the new kind of planning and services which have been carried on in northern Saskatchewan. The fur and fish marketing services were established first of all as crown corporations and they are now in the process of being transferred to cooperatives.

The Indian and Metis people will actually own and operate these cooperatives, and they will be run by boards of their own choosing.

I moved recently from British Columbia where I did not even know what a cooperative was. (I apologize to Mr. Peters!) It was a real thrill to me this spring to sit down at the fishermen's cooperative meeting at Prince Albert and to see the way in which this transference of management is taking place, and the way in which integration is going on, and the way in which a sense of

responsibility is being built into the minds of these Indian people. I think it is a very fascinating story, and it is a field in which the province has done a great deal of exploration.

Policies of the provincial department of natural resources in respect to fish, game, fur, tourism, have always been developed with a view to giving the Indian "first access" to these resources. I think the part which the province has played in the matter has been most sincerely directed toward the welfare of the Indian and I should add that the whole thing has been done with federal cooperation.

Within the field of adult education the division will begin some initial adult education projects on three reserves, communities in the province, and will work towards providing more experimentation and more adult education programs to meet the needs of these people on the reserves. This point is dealt with further on in our brief.

I think it would be of interest to you to know that the provincial department of natural resources at the moment has invested \$140,000 to initiate a three year contract, as Senator Smith has said, at the university, for investigation into research on problems of Indian and Metis northern communities. It is entirely a provincial project, and no federal funds have been set aside for that project.

We are sorry in a sense that it is a fragmentary endeavour rather than a province-wide social survey, which has been consistently sought over the past several years. Again perhaps, this kind of development would not have taken place if there had been a framework of consideration embracing the wider problem throughout the province.

At the university there was established this spring an institute of northern studies where specific problems of research of a smaller nature will be carried on. The province intends to provide more initiative in the matter of increasing the number of integrated schools—we intend to do our utmost to step these up.

I think, as Mr. Sturdy mentioned, we would like to look towards getting the cooperation of federal people in planning the extension of telephone and power facilities to some of the reserves in the province where their current construction programs can be related to that kind of project.

We are pleased to tell you that, as of July 1, the liquor legislation of the province will no longer discriminate against Indians. This is subject to the proclamation of the federal authority.

Mr. SMALL: On page 13 you mention about liquor laws and Indian discrimination. Would that be taken care of?

Mr. WOOLLAM: We might be miserable enough to come back on this thing, and we do not want to make rash promises.

Mr. SMALL: It looked to me to be a provincial matter.

Mr. STURDY: There are problems in connection with it, but the order in council has already been issued in Saskatchewan making application to the Governor General in council to make a declaration—I think under section 32 of the Indian Act—which will enable Indians to have equal rights with non-Indians so far as the Saskatchewan Liquor Act is concerned. We recognize that there will be problems here because of the prohibition of liquor on the reservations. But nevertheless we have considered this to be discriminatory legislation against Indians, in so far as Saskatchewan is concerned.

Mr. SMALL: They may have liquor whether they are on the reserve or not?

Mr. STURDY: That is right.

Mr. SMALL: Will this take care of their defence? Will the province cease to supply defence for them?

Mr. STURDY: We have been giving consideration to that too; that is something which certainly should be worked out, because in most instances an Indian charged with any offence is not represented by counsel, and he very often pleads guilty. And in so far as northern Saskatchewan is concerned, the Indians sometime like to spend a few months in Prince Albert, in our penal institution, our jail. We will certainly give consideration to providing counsel for Indians charged with any offence.

The VICE-CHAIRMAN: There is going to be a considerable amount of duplication here. I hope you will confine your questioning as much as possible.

Mr. WOOLLAM: A great deal of pre-election consideration has already been given on the part of the departmental administrators to the end that Agricultural services, welfare and health services, might be administered by the province on "farmed-out" agreements with the Indian Affairs Branch. Again this would add up to the central theme of our brief. I think this would seem to be the main "clothesline", as it were, upon which we could hang many of our recommendations. Since government today is a very complicated business, and since this kind of thing cannot simply miraculously transpire it would seem that such joint planning is absolutely necessary.

The onus would seem to be on the federal government to initiate a means of mutual study of programs and services to the end that we may agree on a pattern of total objective. I think you will see that this is stated at many points in the brief, in different ways. Certainly this is the fundamental point which we would bring to your attention. I think our second theme is concentration on the need for programs with an off-the-reserve emphasis. I think it would be well not to say anything further about it now. But you will certainly see that this is implied in many of the recommendations that are to be considered.

Thirdly, I think the brief could be said to press for the need for a continuing program of research and of study of the needs and conditions of Saskatchewan Indians throughout the province both on and off the reserves. And this too is fundamental, and is implied throughout the brief.

I understood that you wished to adjourn at 11 o'clock, so would it be your suggestion that we simply go through the recommendations as quickly as possible, or would you prefer that we answer any questions at this time, and if so do you wish to begin now?

The VICE-CHAIRMAN: It is up to the committee. I am sure you realize, gentlemen, that many of these problems have been discussed before the committee, and were thoroughly questioned by the committee with previous witnesses. And if there are not as many questions as you feel your brief warrants, it will be because those questions have already been discussed many times.

Mr. WOOLLAM: We appreciate that. We have read each of the submissions to date. We have suffered with you.

The VICE-CHAIRMAN: Does the committee wish to continue until 11? I think it would be better if we did so, and we might start with page 17.

Mr. WOOLLAM: Perhaps we might go a little further than that, and move on to page 18.

I am sure you have already given consideration in other hearings, to the problems rising from duplication of services, and differences in services, particularly in the northern communities, between Indians and Metis. We find differences in the services which are embarrassing on the local level, and which tend to build up conflict between the Indians and Metis at the local level.

Our first recommendation is that the federal government should undertake to sponsor continuing research into the cultural and social patterns (and psy-



chological patterns) both of Saskatchewan Indians who live on reserves, and also of those who are in the process of establishing themselves off the reserve. Such joint research would assist both provincial and federal governments to plan intelligently for Metis and Indian welfare.

Mr. STURDY: The purpose of this research would be in part at least to determine what alternative lines there are of development, and what opportunities are open to the Indians of Saskatchewan. Secondly, to provide a body of factual data upon which to base planning of specific programs. Thirdly—and this is very important—to discover communication channels by which we can get to the Indians, the power structures on Indian reserves, and in Indian bands, and the value systems of Indian communities, in order that the most effective implementation of methods can be devised.

The purpose of this research would be to compile a body of factual information, and sufficient information concerning present legal, educational, social, economic, and medical conditions of Indian life in Saskatchewan which would be available to the federal government, to the municipal governments, to the provincial government, and to other bodies interested therein; to analyse the relationship of Indian life to Canadian civilization, and to make recommendations to the federal government with respect to increasing Indian participation in Canadian life.

Also to make such observations that may be pertinent to a future Dominion-Provincial agreement concerning Indian development. We feel that if we are going to help the Indian, we must realize that he is a citizen of our province, that he is a citizen of the municipality, and that the province and the municipality must take more interest in the responsibility for him, if the Indian is going to become a truly Canadian citizen.

Such research would devise ways of encouraging Indian interest and participation in developing programs, so to speak, in which Indians would realize full citizenship.

We also suggest the study of the organization of government agencies concerned with the advancement of Indian life and welfare. And make specific detailed recommendations for administrative changes, and I think there must be administrative changes.

The research would involve, the study of the costs, the definition of jurisdictions and implementation procedures for the improvement of services to the Indians. All these matters would be involved in such research, and in continuing research projects.

Mr. WOOLLAM: It might be appropriate to point out that there is also a considerable lag between the research that has been done, and the field of action resulting therefrom. There is a considerable lag between facts that we already know and policies not yet implemented.

I think, coupled with this, there ought to be emphasis on the point of having, in research, one foot in the laboratory, and one in the field. Certainly money which has been spent on this kind of research has been spent wisely.

One of the concerns at the Kingston conference, was the way in which we have regarded our provincial and federal research projects as being confidential and secretive information, and the way in which reports on research have sometimes been filed away in some bottom drawer with a personal, confidential label on them, simply because there was no assumption that there existed a federal repository for such information. It must be realized that we are working at an interprovincial level of cooperation here, as well as at a provincial-federal level; and here again we are brought back to the main theme of the brief, that there is need for real across-Canada consideration of policies and programs.

Senator SMITH (*Kamloops*): Are we at a point now where we might entertain questions? You have referred a great deal to the research program,



and I am interested in such a program as they have at the university at Saskatoon. I wonder to what extent you had the Indian problem in mind when you suggested the fields of endeavour in this information research program? Did you have in mind the Indian problem, and what we are talking about in this committee, that is, as a small factor or a major factor in the field of planning for such a program?

Mr. WOOLLAM: We are working towards a single administration of government departmental services in what is known as the northern affairs region of Saskatchewan, which constitutes in fact the upper one-third of the province, and in which region you have 4,000 Indians (treaty people), 4,000 Metis people, and about 4,000 white people, that is, non-Indian people.

Because of the very nature of the situation here, it is ridiculous to try to consider two-thirds of this community alone. Therefore the problems and the needs of the treaty Indians are very fundamental in the development of such a single agency. Does that answer your question?

Senator SMITH (*Kamloops*): Yes. I think you mentioned an amount of about \$140,000 that was intended for this program at Saskatoon.

Mr. WOOLLAM: Yes.

Senator SMITH (*Kamloops*): Would there not be an indirect contribution by Ottawa towards that program?

Mr. WOOLLAM: Not in this particular program. I do not think the province has asked for such a contribution. We have rested our case, I think, with the earlier hope that the province-wide social survey of Saskatchewan Indians would be done with federal money.

Senator SMITH (*Kamloops*): I have another point of some importance. I go back to the Kingston conference which has been mentioned, and I am hopeful that there would be a continuing committee or continuing work that might be helpful in our work here, and that if they received this brief, and no doubt other briefs that came to us here, and a summary of everything stated there at the conference, would there be anything of value to us in the outcome of that conference?

Mr. WOOLLAM: A number of papers were presented which could be made available to the committee through the Indian-Eskimo association. However, a number of points of major importance were made in the statement of Professor Sol. Tax of the university of Chicago, and we intend to bring some of them to your attention throughout the course of presenting this brief, because they tend to verify some of our opinions.

The VICE-CHAIRMAN: I must call for an adjournment now, but before doing so, let me say that there are no more briefs available; so please, ladies and gentlemen, bring your own copies with you this afternoon.

I must apologize on behalf of the minister for her absence this morning. She said she would like to be here, but in view of a cabinet meeting, it would be impossible. Moreover, she has to be in the house today, because I believe her estimates are coming up this afternoon.

When shall we meet again? I suggest 2:30, if that is satisfactory to you.

Senator SMITH (*Kamloops*): I do not think there will be much chance of our being absent from the Senate until after 3 o'clock, and so perhaps 3:30 would be a better time.

The VICE-CHAIRMAN: Perhaps we might get started at 2:30 and possibly get enough House of Commons members here to take your place. We might do that if it is acceptable to the committee. Let us start at 2:30 in this same room.

Agreed.

## AFTERNOON SESSION

THURSDAY, June 16, 1960

The VICE-CHAIRMAN: We have sufficient members now, Mr. Woollam, to proceed. Would you care to go on now?

Mr. WOOLLAM: Mr. Chairman, before our break this morning there were two questions that came up that might just be clarified for the purpose of the record. The first one was relating to possible involvement of federal funds in the research project of the center for community studies. I stated that no such funds had been sought—and have been corrected.

I understand that our deputy minister of natural resources had made earlier ovations to the Indian Affairs branch to work this scheme on a cost-sharing basis, which request was turned down, I understand, because of the fact that this committee was still meeting and its report should first be considered before any such major venture was undertaken. I would just like to correct that for the purpose of the record. Then, secondly—

Mr. STURDY: I think there was another reason for its being turned down. That was the fact that it only applied to about 20 per cent of the Indian population of Saskatchewan, located in the north. The opinion was that any research project should include all the province.

Senator SMITH: Mr. Chairman, when did this come up last time?

Mr. WOOLLAM: I think this correspondence, as far as I remember, was about December of last year, or January, 1960.

Then, just pushing this ahead a little, a question was asked this morning regarding the extent of the concern of the province in its Northern Affairs region in matters of treaty Indian policies and programs.

I think that, since we have with us Mr. Walter Hlady, who is northern training officer for the center for Community Studies contract in Saskatchewan, it might be useful if we called upon Walter just for a moment or two to sketch something of his own personal interpretation of this program, for the benefit of the committee.

Mr. Hlady is an anthropologist who did the study recently for the Saskatchewan government in the Sandy Bay area, and we are very pleased to call upon him for a moment and introduce him to the committee for this purpose.

Mr. W. M. HLADY (*Northern Training Officer, Center for Community Studies, University of Saskatchewan*): The contract of the Department of natural resources for Saskatchewan, with the center for community studies and of the university of Saskatchewan is, as was noted this morning, a \$140,000 contract over a three-year period.

It is primarily concerned with three phases of research and development in the north. The primary phase, which I would say roughly takes up two thirds of the budget, is research of the order that was done by the group in British Columbia, which was mentioned this morning, in Hawthorn, Belshaw, Jamieson, et cetera; plus the research that was done in Manitoba on the Lagassé report. About one-third of it, which is the program with which I am directly concerned, is in training and consultation.

In training and consultation we are concerned with many phases: we are concerned with orienting government employees in the north towards a rather standard approach that is called the community development: this is the term that is often used. We are concerned with going into two native communities initially, which will probably be Metis, with some Indian in which we will attempt to organize the people for action by acting as consultants and providing technical information and help in organizing them to help themselves.

In this contract I have been trying to have clarified the proportion of work, or the relationship of the contract to the Indians on the reserve and off the reserve. As far as I can see, at the present moment, we will be concerned less with the Indians on the reserve than we will be concerned with the Metis and with Indians who live off the reserve. This appears definitely the result of this federal and provincial split in responsibility to Indians on and off the reserve.

I mentioned that in this program we will be working with the government employees and professional people who work in the communities, on the one hand, and with the communities and the people who are particularly interested in this way of developing communities, on the other. We also hope to bring all these people together so that their problems can be raised, can be approached, and the best possible means of developing these communities obtained.

I should remark here that the center for community studies is a joint university and Saskatchewan government endeavour. Primarily, scholastically, we are working through the framework of the university; and financially we are largely supported by the Saskatchewan government, if not totally.

I do not know that there is anything else I can add that will be of general use to the committee on this relationship and the study that we are undertaking.

The VICE-CHAIRMAN: Will you be available, Mr. Hlady, for questioning later?

Mr. HLADY: I will be here this afternoon, definitely.

Senator SMITH: Mr. Chairman, I wish to ask a question before we get away from that. I take it, then, that there has been no question about the aspect of the provincial government and their responsibility to these settlements, or people off the reserve? That is a municipal responsibility, is it not?

Mr. STURDY: Not in Saskatchewan; it is the responsibility entirely of the provincial government.

Senator SMITH: Of the provincial government?

Mr. WOOLLAM: Most of the bands, Senator Smith, in the north of Saskatchewan have not yet had reservations set aside for them.

Mr. STURDY: May I say that it is most difficult for the department of Indian Affairs and for ourselves to determine who is an Indian and who is not an Indian and who is an Indian under treaty. The fact that some of them are under treaty, but there is no reservation in which they have lived, because there are no reservations existing, further complicates the problem. This is an area which should be carefully examined and some agreement reached as to the responsibility here.

Mr. WRATTEN: Mr. Chairman, with all this research and study, and one thing and another, that has been made of the Indians over the past 50 years anyway, why is it—or has anybody found out the reason why they do not get out, make a living for themselves and live as other people, or other Canadians do?

Mr. WOOLLAM: One might take the point of view that the Indian has, certainly historically, been capable of adjustment—time and time again.

The VICE-CHAIRMAN: Incapable, did you say?

Mr. WOOLLAM: Has been capable.

The VICE-CHAIRMAN: Capable, yes.

Mr. WOOLLAM: One might almost say that the Indian has not been "conservative" in this respect—using the word loosely. On the other hand, one might take the point of view that the tendency to adjust of the Canadian Indian over the last 50 or 75 years has faced the very huge and powerful



obstacle in the way of administrative and political machinery that has been overwhelming to the Indian. In a sense, one may see the role of the Indian administrator as the role of one who is trying to assist the Indian against this almost overwhelming handicap. This might be a possible way of looking at it.

MR. WRATTEN: Mr. Chairman, I may be a little stupid; but we have immigrants come to this country all the time from all countries in Europe, and inside of a year or two years they are established; they are on their feet. Some of them are buying farms around our section of the country.

What is there to hinder the Indian people from doing the same thing?

MR. STURDY: A great deal of this brief deals with that very problem. There are the traditional responsibilities of the federal government. The Indian considers himself to be a ward of the federal government; therefore, he does not wish to leave the reservation, where he enjoys what security he has for fear that he will be deprived of that security.

Secondly, when he moves away from the reservation he will lose whatever advantages or privileges he may have under the treaties which exist throughout the prairie region of Canada. This, to him, is a real problem.

Once he is off the reservation for a period of one year he is responsible for his own health services, as an example. If he takes enfranchisement, then he is even prohibited from going back on the reserve on which he was born. There are so many lets and hindrances to the successful integration of the Indian that we have devoted a very great deal of our brief to that very problem.

Senator SMITH: Just one question, Mr. Chairman, and I am through. Would Mr. Sturdy agree that one of the basic problems of the Indian is due to the fact that they have been victims of state paternalism?

MR. STURDY: Well, you are not going to catch me in a political discussion here.

Senator SMITH: No; but they want it both ways, do they not: they want the advantages of wardship, and they want the advantages of citizenship, if they are not going to lose anything? They want their cake and would like to eat it too?

MR. STURDY: Our situation is this, frankly, that until the provincial governments, and until the municipal governments, assume responsibility in this area and work out agreements with the federal government, then I do not think we can overcome this. Our own province, up until just recently, did not permit them to vote: that was a prohibition. It is only now that we permit them equal rights under the Saskatchewan Liquor Act, in so far as the province is concerned. The Indian feels that he has been victimized right down the line by the white people, and he sticks to that reserve as the only area in which he has any security whatsoever.

I think that a great deal of our effort should be in having the Indian become a complete citizen, a citizen of the province and the municipality. But he is neither fish nor flesh: he is not even a citizen of Canada, unless he is prepared to enfranchise—although I understand that he is going to be granted the vote. But he is even afraid of the vote. He is afraid of the federal vote, and he resisted the provincial vote. Why is he afraid of the federal vote? It is because he will lose this limited bit of security that he enjoys under the treaties which were signed back in the 1870's.

The VICE-CHAIRMAN: No, he will not lose anything. But he thinks he will, maybe.

MR. STURDY: That is right.

The VICE-CHAIRMAN: He will not lose a thing.



Mr. STURDY: If I gave the impression he would lose, I withdraw that. He thinks he will lose.

Mr. THOMAS: In regard to those Indians living off the reserve in Saskatchewan, I would like to ask whether they have never lived on a reserve, and was no reserve ever set up for them?

Mr. STURDY: They are under treaty.

Mr. THOMAS: Now, if they have been given the right to vote, what do they still lack in the way of all the elements of Canadian citizenship, plus any additional privileges which they may enjoy under the Indian Act? Are there any disadvantages now under which these people are not established on reserves? Are there any disadvantages under which they are living, so far as full Canadian citizenship is concerned?

Mr. WOOLLAM: The second section deals with Indian legal status, and we go on through seven pages, to point some of these disabilities, in terms that are similar to those painted by Mrs. Gorman a few weeks ago, during her deliberations.

Mr. THOMAS: What section is that?

Mr. WOOLLAM: It commences at page 20. It is section 3.

Mr. SMALL: Following up Senator Smith's question concerning the Indians who are without a reserve, I do not know how that can be clarified. Originally, they must have had reserves. How come they are not on a reserve?

Mr. STURDY: Because the whole of northern Saskatchewan, up until a relatively few years ago, was open to everyone, and they could wander where they wanted, trap, fish and hunt where they wanted. So, although they had signed a treaty back in the 1870's (—and these are bush Cree Indians and the Chippewa)—they had signed a treaty and, in some cases, reservations were not set aside.

There is some effort, on the part of Indians themselves, to have reservations established. May I say that the percentage of the Indians in the north, who are treaty Indians, are not living on reserves because there are no reserves, or they are very small.

Mr. SMALL: The reason I wanted that cleared up is because, earlier in the discussion, and last year, the matter of the Indians being wards of the government was discussed. It was said that he was, in a sense, a ward, and in another sense, he was not; but if he went off the reserve and was enfranchised, did not make a success of it, or could not adapt himself to non-Indian ways, it was always there for him to come back to. No hindrance was placed in his way in that regard. The ones who enfranchise themselves are debarred. However, what concerns me are the ones who have not a reserve.

The VICE-CHAIRMAN: I am afraid, Mr. Small, you are wrong. I am advised by the departmental officials that the reason there are not reserves in the northern part of Saskatchewan is because the Indians do not want to be tied down to a particular piece of property, that he wanted the swing of all northern Saskatchewan, and wanted to be left that way. They never made the proposition that they wanted to be restricted to any piece of property.

Mr. WOOLLAM: This is nonsense.

Discussions were initiated by more than one band two or three years ago, in the northern part of Saskatchewan which, at that time, requested their rights under treaty, to be assigned reservation lands. The feeling of the province, at the moment, is that there seems to be almost a schizoid sense within the Indian affairs branch, in so far as our correspondence is able to determine, as to whether or not it is still a continuing policy of the Indian affairs branch, and whether or not these lands shall be set aside, and on what basis.

Our department of natural resources has been endeavouring during the last year to clarify some of these issues, before the day comes when the outfitters in the north obtain 30-year leases on much of the choice land. I think there is some very real division in federal planning, as to whether these resources at this time should be set aside, and on what basis. One of the issues, for instance, is whether, at the moment, such reserves would be set aside on a per capita plan appropriate to population at the time of the signing of the treaties; whether on the population factor at the time that reservation establishment was requested is the factor upon which this land determination should be made; whether, in fact, this determination is made from the time of the actual granting of the allocation of land. . . . These questions are unanswered, and there is no legal precedence upon which the province can rely.

Mr. THOMAS: Mr. Chairman, reference was made to outfitters of the north. Who are these outfitters?

Mr. WOOLLAM: Tourist outfitters.

Mr. THOMAS: Who would they be?

Mr. WOOLLAM: Some of them are Indian and Metis people, and some are people from the south who run outfitting businesses on northern fishing lakes. Many of them are using very desirable pieces of property that might conceivably be needed for reserve use at a later date.

Mr. THOMAS: Well, the implication seems to be that the most desirable property in the north is already controlled in some way, or under lease. Is that correct?

Mr. WOOLLAM: No. The implication is that if this issue is left another 20 or 30 years, which it conceivably might well be, that we would be confronted with a rather serious problem.

Mr. THOMAS: That is assuming that reserves are considered desirable.

Mr. WOOLLAM: Yes; this is the problem.

Mr. THOMAS: Well, are you, on behalf of the Saskatchewan government, recommending that reserves be now set up immediately?

Mr. WOOLLAM: I am simply expressing the fact that the Indians have requested such a thing, and that the province does not seem able to understand what the clear policy of the federal people is in this regard.

Mr. THOMAS: The provincial people in Saskatchewan have made a study. A study was made in Manitoba, which was a very extensive one. This committee is set up to work on this very problem. I would like to ask you this question: has the Saskatchewan government decided that in the interest of all concerned, reserves should be set aside for these nomadic Indians in northern Saskatchewan?

Mr. STURDY: I do not think that is our responsibility. After all, we are talking of treaty Indians—Indians who are under treaty with the federal government and not with the provincial government. I think that is a matter between the Indians who are treaty Indians and the federal government—and, there are these bands which sign treaties with the federal government, and are still without reserves.

Mr. THOMAS: I understood that we were discussing the problems of all Indians, and I think reference has been made today to these Indians who are not on reserves and to Indians who are moving out into the white settlements, and to the cities.

I see a number of recommendations here for half-way houses or hostels. It is recommended that they should be set up in such cities as Saskatoon, as well as other cities, so that Indian girls and young people may be protected when they go out to acquire an education or take jobs. If we are going to go that far afield, we are discussing not only Indians who could be considered

treaty Indians, but the whole Indian problem. I think, on that basis, we would hope that the people who have made a close study of this matter would be prepared to give their opinion as to whether reserves set aside for Indians are serving a useful purpose.

Now, we have come a long way from 1867, and the old treaties were set up to accommodate the Indians as time has gone on. Some people feel these reserves, as they were set up, have not been an unmixed blessing.

Now, we come to 1960, and we have these Indians in the north. What I am trying to do, is to pin you people down to a definite answer. Do you believe in the reserve business? Do you believe that new reserves should be set up for the treaty Indians, or any other Indians?

Mr. STURDY: Just as I believe personally—and I may be speaking for the government—I cannot say I do think there should be no attempt whatsoever on the part of the federal government to discontinue the reservation system for a long time to come. The Indians look on that as their traditional home, and they should be able to return to their reservation in their old age, if that is their desire. They enjoy a certain amount of security on those reservations, and I think that federal provincial and municipal governments have been remiss, and will continue to be remiss, if they cannot make life sufficiently attractive outside the reserve to attract a large body of the Indian population away from the reserves of their own volition. That is what we are hoping to achieve. I do not think the question of three or four reservations to meet the requests of certain bands in northern Saskatchewan, plays much of a part in this. If the Indians wanted those reserves, certainly the provincial government would be prepared to negotiate with the federal government to see that they get those reserves. In the meantime, we hope the we can work out the solution to these problems, and facilitate integration to the point where the reserve will not be so necessary to the Indian.

The VICE-CHAIRMAN: Have you a question, Senator Fergusson?

Senator FERGUSSON: I think Mr. Sturdy has answered the question I was going to ask. I was going to ask if the federal government had any land that could be used for this purpose. However, you have stated the provincial government negotiates to make land available. Is that your answer?

The VICE-CHAIRMAN: I think at this point we should have Mr. Brown clear this matter up, to a certain extent, from the departmental point of view.

Mr. SMALL: Mr Chairman, before that, I would like to ask a question.

Out of the 23,000 Indians, how many would you estimate have not any reserve to go back to?

Mr. STURDY: There are 4,000 Indians in the north—approximately 4,000. Perhaps you could answer this better than I could, Mr. Hlady. It would not be in excess of 2,000.

Mr. SMALL: That is all I wanted to know.

Mr. L. BROWN: (*Special Assistant to the Director, Indian Affairs Branch*): There are a few comments I might make.

Going back to some of the earlier remarks, I think your own statement, as to the original reasons why reserves were not set up, was probably correct.

Senator FERGUSSON: I am sorry, but I cannot hear.

Mr. BROWN: I was saying that the chairman's original statement was probably correct, that these bands originally were not very interested in securing reserves, years back. I think their treaty was in 1907, and as far as I know, there was no great interest ever expressed in reserves.

Mr. Woollam said that there has been interest expressed in recent years. But it is not correct that there should be any implication that the department is doing nothing about it, or is uninterested in this matter, because the very



opposite is the case. We have been looking into the various factors of this matter not only in Saskatchewan but also in other parts of Canada where the same situation exists, such as in the MacKenzie district in the Northwest Territories where there have never been any reserves set aside for any of the Indians.

I was a member of a commission sent up there last summer to look into this particular thing, as to whether it was a desirable feature to set aside reserves, and if not, what? This is one of the main questions; "What"; or in lieu of "what"?

There has been no decision reached as yet whether the reserve system is obsolete or not. It may be that to the extent it was provided for in the treaties it would not be a good thing to take up this vast area of land to which they may be entitled under the treaty, partly because of the nature of the land in question; but it does not do anybody much good to take up land composed of rock and muskeg. That has been shown to be the case elsewhere in the country, where they have taken up that sort of land years ago. But that does not mean to say that this would be so if there was good land.

However, these are some of the problems to be considered in terms of a band taking up its land entitlement under its treaty. It may be entitled to 20,000 to 30,000 acres of land; but where is that land located? How much of it is good, or poor, or do they need that much acreage, or would it be of advantage to them to take it one block or in several parcels?

You do not solve these problems overnight. And I can say definitely that we in the department are thinking in terms of some of these things, and we have been discussing them with our field staff.

Mr. STURDY: There is another problem, and it is this: that the Indians in that area and of that area of that country are largely nomad; that with respect to trapping,—and in some cases fishing,—and the value of the land from the point of view of agricultural purposes is of little or no value whatsoever.

Mr. KORCHINSKI: I would like to ask Mr. Sturdy about this: he mentioned that it would not be undesirable to set up new reserves. I would like to ask Mr. Sturdy how that fits in with the concept of the Indians, who perhaps should be allowed the privilege of equal citizenship rights, so as to become equal Canadians with all other Canadians in the country? How would that fit, in the sense of setting up reserves? By setting up reserves you do not segregate or separate these people from the rest.

Mr. STURDY: I am prepared to admit that the reservation is a segregation area, but it does not need to be the type of segregation area which it has been down through the years historically, and which it is today. That is what we are here for, to try to get away from that.

The fact that a few additional reserves are set up in northern Saskatchewan I do not think, would interfere one way or another. Our main problem is not with the Indians of the north, although that is serious enough; but it is with our prairie Indians and our parkland Indians where the main and serious problem exists, and where the reservations have become just domiciles for the distribution of relief, and where the Indian band do not want to leave the reserves for a period of a year or more because they know that they will be completely thrown on their own resources if they do.

The only alternative for this is to go back to the reserves, and this they promptly do. Now, on behalf of the Indians I would certainly suggest that they retain their reservations, and in any amendment to the Indian Act such as the voting privilege and so on, which I think they are entitled to, and the privileges of any Canadian citizen; and in addition to that, whatever few additional privileges they enjoy under their treaties.



Mr. THOMAS: Hear, hear.

Mr. STURDY: I think that is one of the most important things.

Mr. KORCHINSKI: In my opinion this is just a matter of taking away from the reservation; but it seems to me a question of whether the practice should be continued, which perhaps requires it, or perhaps not. It may be that no solution has been found to it, but do we need to set up new areas by way of reservations to continue a practice that perhaps has not functioned as well as it could?

Mr. WOOLLAM: Is it your wish that we deal with this whole range of problems at this time, or are we still considering just the first item in our recommendations?

The VICE-CHAIRMAN: I was trying to get a word in edgewise. I think I have permitted a certain amount of wandering about, and I think we should now get back to the brief, where we are on item No. 1 and stick to it until we have finished all the questions which may be asked; and then continue from there on in a regular manner instead of this wide variation of subjects we are dealing with at the moment.

Therefore I ask you to follow that suggestion. I do not think there has been any damage done by having a discussion of these items, because I do not think it will be necessary for them to be repeated. So therefore I ask you to get down to the brief itself and keep to subject No. 1 on page 18, please.

Are there any further questions on No. 1? If not, item No. 2.

Mr. WOOLLAM: Is it necessary that we read them?

The VICE-CHAIRMAN: No. The members already have copies of the brief before them.

Mr. WOOLLAM: It was rather interesting a few weeks ago at the provincial conference of the University Women's Clubs in Saskatchewan, where the subject was discussed at some length, to hear the remarks of the Rev. Mr. Ahab Spence, an Indian himself and a missionary of the Anglican church. He opened his remarks by saying that, historically, the Indians had repeatedly "guided" the white people coming into the country. He made the suggestion that the explorers did not really explore, but that they were shown the safe passages and the trade routes by the Indians; they were "guided" along routes of communication and transportation that already existed. By the time he finished, I think, we all felt a little more humble.

Then he went on to comment in this vein. He said, I would ask you to offer a little more "guidance" to our young people who come to your cities as strangers from another culture and who ask you to reciprocate the kindness given your settlers by their forefathers. These remarks being made in Prince Albert, I think, carried quite a punch—because Prince Albert, like many other communities in Saskatchewan, is an area where Indian young people and older Indian people come right off the reserve into the "new world" of urban experience. Here they are confronted with problems and situations by which they are absolutely overwhelmed.

They may come in from the north country where they have seen perhaps only half a dozen white people in the course of their lives; and even though they may come into Prince Albert from La Ronge which is not far to the north, they will travel in over a road which was constructed only 12 years ago.

Certainly in many of these northern communities we see the need for some kind of consulting service, and we have recommended it in this second item. If there are any questions on this point, it might be well to discuss them now.

The VICE-CHAIRMAN: Are there any questions on item 2?

Mr. THOMAS: I think it is a good idea.

The VICE-CHAIRMAN: Very well, Item 3.

Mr. STURDY: This again is the problem of moving from a reservation into a white community, and we find that usually the Indian makes a serious attempt to live off the reserve. But after an unsuccessful attempt he comes back to the reservation again.

In many instances the provision of off-the-reserve help is not sufficient, as has just been pointed out here; and that is the point, which it seems to us, is important: that is, the need for a simple type of pamphlet—an informational pamphlet—which could be used and made available to all Indian people leaving the reserve, pointing out to them the kinds of social aid that are available in the municipalities, and which are provided by the province, and what the health provisions are, and what the job opportunities are. You might say a referral or counselling service could be provided in the form of this sort of pamphlet, and it would do the same sort of job.

We do not feel that the Indians in many cases understand all the resources of health that are available to them by the municipalities and by the province; this would be simply an informational pamphlet that might be prepared jointly by the federal and the provincial governments, and it would be very useful indeed to Indians contemplating leaving the reservation.

Mr. WOOLLAM: Perhaps on the next recommendation...

The VICE-CHAIRMAN: No. 4.

Mr. WOOLLAM: I might anticipate the kind of objection to the suggestion that we have outlined here.

Mr. Gordon of the Indian affairs branch staff in Kingston the other day suggested to us that probably more research needs to be done in the dynamics of group movements. He said we have long assumed that Indian groups were anti-integration groups.

It seems to me that there was a great deal of understanding that lay behind this simple remark.

Yet with other ethnic minorities in Canada we have seen how the security provided by an "in-group" experience makes possible the confidence that is pre-requisite to acculturation. This "in" feeling—this feeling of "ethnocentricity"—may be used to promote acculturation.

Integration is not going to be found at the "near-end" of our off-reserve programming. Without some transitional shelters, situations arise as they have in Prince Rupert, Prince George, North Battleford and Prince Albert, where an immediate and undesirable kind of "integration" between Indian girls and the worst elements of our culture take place.

Careful planning of such "halfway houses" could be a means to the promotion of acculturative processes. So it was something of this kind that lay behind this No. 4 recommendation.

The VICE-CHAIRMAN: Are there any questions on Item No. 4? I believe the next group of resolutions appear on page 26.

Mr. WOOLLAM: Perhaps we might deal with the conclusions in the paragraph in the middle of page 26. I think these conclusions tend really to imply the concerns we might feel in relation to the specific recommendations. In these conclusions we have these words: a great wrong would be done if the Indian Act were destroyed. The rights and privileges and traditional securities provided in the act and the treaties must be preserved as an irreducible minimum. To these, however, may be added extended legal rights, and upon them greater opportunities can be built.

I would like to take this occasion to draw the attention of the committee to some of the concluding remarks made at Kingston by Professor Sol Tax. At the end of the seminar Dr. Tax was asked to make a brief statement in summary of the anthropological research carried on throughout the U.S.A. over the last number of years as this might relate to the policies of the United

States Indian bureau. He stated that there were three basic policy generalizations that would be acceptable, he felt, to all American anthropologists of every school. He was quite conclusive in his statement at this point. These are the three conclusions: firstly, he said, we must stop frightening Indians by threatening to dissolve relations with the federal government. Incidentally, on this point I think we all have been relieved and pleased to hear Mrs. Fairclough's statement that it is the intention to remove section 112 from the Indian Act. I think on this level the Indian has to have the confidence of feeling that whatever rights and privileges are given to him from this point on rest upon the base of this irreducible minimum guaranteed to him by treaty. Then Dr. Tax went on to say that for a time at least economic subsidies are unavoidable and must continue. He said, however, that this does not imply the continuance of attitudes of dependency. Dr. Tax said we must differentiate between dependencies and subsidies. He said that the central problem in respect of the subsidies is that someone has preempted for the Indian his normal choices respecting economic interactions. He went on to indicate that, after all, all of us are subsidized. We have been subsidized by our grandfathers and at some points by the state. He said even Rockefeller is subsidized and still is able on the level of his dependency to be free—without paternalism.

Thirdly, Dr. Tax said we must remove the traditional over-administration of Indians affairs and allow Indian communities to control and decide their own destinies. He went on to indicate there was certainly a gamble here and may be a gamble that would cost us several million dollars a year—a gamble that might equal the cost of a small portion of one bomarc.

He went on to point out that our system has a fundamental and built-in belief in self determination and that because of this it is imperative that we allow the Indian increasingly to make use of the resources of subsidization on his own terms and in accordance with his own determination. I think, in respect of the "conclusions" section of our brief, that these remarks certainly tend to summarize the feelings of those resolutions before you, and it might be appropriate if some of you challenged some of these remarks for a moment before we go on into the recommendation.

The VICE-CHAIRMAN: Are there any questions on recommendation No. 1? Did you imply that your statement covered all of these?

Mr. WOOLLAM: It covered simply the remarks under the heading of conclusions.

Mr. Sturdy now will introduce the first recommendation under this section.

Mr. STURDY: Section 1 points out the fact that the Indian is subject to all the laws of Canada plus the Indian Act, and many features have been written into the Indian Act which were put there as a protection to the Indian and with the very best intentions in the world; but unfortunately they have had a very adverse effect on the Indian in making him tantamount to a second rate citizen, a juvenile unable to take care of his own business. These sections of the Indian Act in respect of property and so on have militated against the Indian getting the experience that the ordinary white man has in the conduct of his business. I might point out, as an example, some of these band fund regulations. The reserve Indian could have an invaluable experience in the use of money, but he is unable to use these band funds because the funds in the capital account, for example, from the sale of land and the funds in the revenue account are spent on social aid. There is opposition on the part of the Indians to that.

Now, while the band councils may be asked to register a vote on the allocation of money, it is in the nature of an acquiescence to a decision previously made by someone else. In short, the band system has little effective control



over whether or not and on what the band funds will be spent. To us, that seems a serious disability in business experience so far as the Indians are concerned.

The special protective laws in the Indian Act or regulations forbid the sale of movable assets without the written consent of the Indian superintendent. Also it is a criminal offence for a white man to buy from an Indian without such consent. Surely that too is a disability. This section of the Indian Act which requires a ruling from another authority implies that no Indian on a reserve is competent in trade matters. The Indian gets around this by selling on the sly, especially grain. There is a practice of selling part of his grain crop at a fraction of its worth to a neighbouring white farmer. This is known to exist. Band assets on the reserve cannot be sold, mortgaged, or even given as security for a loan.

Mr. THOMAS: Why would an Indian sell his grain to a white neighbour at very much less than its worth?

Mr. STURDY: I would say that the quota system applies to the Indian and is not workable so far as he is concerned. He has no storage facilities on the reservation and therefore the natural thing for him is to get rid of his grain by some undercover deal.

The VICE-CHAIRMAN: You are not implying that the Indian is the only one who carried on that practice.

Mr. STURDY: The Indian has learned his practices very well from the white man.

The VICE-CHAIRMAN: I think probably the white man taught him some of those practices.

Mr. SMALL: The delegation from the Blood reserve brought up the same thing.

The VICE-CHAIRMAN: Yes. I believe I am correct—and Mr. Brown will correct if I am not—that you are not quite right in saying that the Indians do not have the right to spend their revenue account on capital expenditures if they have enough of them.

Mr. STURDY: That is true, but there are limitations.

The VICE-CHAIRMAN: It is mainly to protect the Indian himself.

Mr. STURDY: I prefaced my remarks by saying this was put in the act as a protection to the Indians, but has an adverse effect, as you all will appreciate.

Senator HORNER: There is storage on some of the reserves. There is one at the Muskeg reserve.

Mr. STURDY: In general the practice is otherwise.

There is another grave defect in the general law affecting Indians. This is in the fact that no reserve Indian has a right to appeal to the appeal courts in instances of aggrievement from decisions of the minister in respect of the Indian Act. We feel that the Indian, if he is going to be a full citizen, should have the right to appeal to the courts of the land.

Some of the disabilities are in relation to taxes, the franchise, enfranchisement, off-reserve employment, the sale of goods, Indian band funds and so on. This is all set forth in the brief. I will not labour it further, but we do think that policies which do not permit the freedom of the Indians within the same limits as other persons should be examined. We believe this discourages self determination and tends to perpetuate segregation.

Senator HORNER: We have had many briefs recommending the very same thing.

The VICE-CHAIRMAN: Are there any questions on this?



Mr. Sturdy has pretty well covered all of the recommendations, so I assume the witnesses will answer questions on any of these recommendations. I would suggest that we start with the first one and continue on through. Are there any questions on recommendation No. 1?

Recommendation No. 2?

Recommendation No. 3?

No. 5 is next. If there are no questions on No. 4, No. 5.

Mr. STURDY: I had not mentioned that one.

The VICE-CHAIRMAN: It deals with wills of Indians.

Mr. STURDY: We think it should be debated in the same manner as wills of other citizens.

The VICE-CHAIRMAN: You realize, if that was the case, the Indian would be subject to the expenses of the probation, in all likelihood.

Mr. STURDY: I grant that is a serious consideration.

The VICE-CHAIRMAN: Under the existing circumstances, it is free to them.

Senator HORNER: Furthermore, because of the way the land is held, by the bands, under selection tickets, or whatever they are called, it would be pretty hard for the courts to deal with wills.

Mr. STURDY: In connection with No. 6, I would merely say that it is presumed the Indians will receive the federal vote.

The VICE-CHAIRMAN: They already have.

Mr. STURDY: Yes, of course; I should have recalled that.

We feel, in the amendment of the Indian Act, there should be a guarantee of his privileges under existing treaties—and we feel that very strongly.

The VICE-CHAIRMAN: Are there any questions under No. 5?

Mr. STURDY: I was dealing with No. 6.

The VICE-CHAIRMAN: Yes, but there had not been any questions, as I had not given the members the opportunity.

Are there any questions on No. 6? If not, No. 7.

Mr. STURDY: I have only this to say, with regard to enfranchisement, and it is this. We feel that sections of the present act, which deal with enfranchisement, should be repealed. We feel it has not worked out successfully in our province. Relatively few people have become enfranchised, because they are afraid to apply for it, as it bars for all time, their access, or even a return, to the reservation, which they have looked on as an area of security.

We suggest that in place of the present enfranchisement regulations, it should be provided the Indian, who wishes to do so may, by his sole determination, acquire for himself the rights and obligations of a citizen, when he decides to live away from the reservation, and that he may regain his Indian status when he chooses to return to it.

Mr. THOMAS: What about these bands who, through the work of our economic system, have become extremely wealthy. I am referring to the band that sold property in the Sarnia area and at Hobbema, Alberta who, through the discovery of oil on their reservation, acquired considerable wealth? Now, if there are no depletions of that band, to whom will that money eventually go, if you leave the Indian the rights to the band fund in perpetuity? If you allowed him to come and go as he sees fit, that would almost intimate he would receive no payment when he leaves, and is free to come back, and his band fund would be set up in perpetuity.

Mr. WOOLLAM: Our previous recommendation pointed to the more hopeful way, where the band council would be free to distribute these accounts as they

see fit—for resource programs, relief administration, or payments to band members; and these decisions would be ones which the band council would make. In talking over with Indian groups, all our recommendations, perhaps this is certainly one that wherever I have sat down with Indian people and gone through this brief, they feel most enthusiastic about.

Dr. Margaret Read from London, England, said the other day that the attachment of people to the land that is recognized as their own is a factor we have not often enough taken seriously. I think many Indian people, who would normally enfranchise, have the feeling that by doing this, they are selling their birthright—and, often, for very small amounts. And, on the part of many Indians who have already become enfranchised (and I have been told this by several of them) in relation to this particular recommendation, it would be their hope, if it came about, that it would do so in a retroactive sense, so that they could regain a sense of belonging on his own land and reserve. This would take some imaginative working out in terms of the present financial arrangements that accompany enfranchisement. However, these are the kinds of problems which band councils are competent to deal with, and I cannot understand why these responsibilities have not been given to them.

Mr. STURDY: If an Indian chooses enfranchisement, he then gets his per capita share of the band fund. But that does not take into consideration the value of the land which, I think, is returned to the reservation, and he would not again share in a distribution of the band funds. However, he would have access to the land. It would become a domicile for him; a place of retirement, if he wants—even a refuge. It is like an Irishman returning to the old sod; he should not be debarred from going back and finding a home there. But, as you say, it would not be fair that he should share, for a second time, in the distribution of the band assets.

Mr. THOMAS: There are several very serious problems involved, if this were permitted. There would be a tendency for those bands, which held valuable property, to dispose of it for the sake of the immediate advantage, and if they were given the right to distribute amongst themselves any proceeds from sales—

Mr. WOOLLAM: They have this right at the moment, sir.

Mr. THOMAS: There would be a temptation, and some of the funds might disappear.

Mr. WOOLLAM: This temptation is the situation at the moment.

Mr. THOMAS: I go along with the thought that the rights of their reserve should be protected, and how best that can be done—and that is the problem.

The VICE-CHAIRMAN: It is their own fault, if they want to enfranchise.

Mr. WOOLLAM: If these clauses—and that is our point—were completely deleted from the act, these financial considerations would become a matter of majority band decisions. You and I operate in this kind of social structure; we believe in it; what is wrong with him believing in it?

Mr. THOMAS: But we are taking the responsibility of our mistakes.

Mr. WOOLLAM: Which is a pre-supposition of ours—that it is time he learned to do that. This is the basic principle of community development and is itself a way of learning; but how learning can take place until this comes about, I have no idea.

Mr. STURDY: I think enfranchisement is a bar to integration. However, I would like to hear your opinion on that, senator.

The JOINT CHAIRMAN (*Senator Gladstone*): Well, it has proven to be in the last ten years. When we enfranchise we have to sign a waiver in connection with the exemption from income tax and, according to the report from the Indian affairs branch, there has only been 122 Indians who took advantage of it. You can see from that figure how unpopular it has been with the Indians.

The VICE-CHAIRMAN: But, senator, that was for the federal vote.

The JOINT CHAIRMAN: (*Senator Gladstone*): I thought that was what you were talking about.

The VICE CHAIRMAN: No; just enfranchisements.

The JOINT CHAIRMAN (*Senator Gladstone*): Well, enfranchisement is a federal matter.

The VICE-CHAIRMAN: Oh, yes.

The JOINT CHAIRMAN (*Senator Gladstone*): That is why I mentioned it.

Mr. SMALL: Two or three of the deputations which appeared before us pointed out that trouble was experienced in the individual coming back after he had taken his enfranchisement, and the per capita amount that was allowed to him. There was some concern about him coming in on it and, if he was going to come back, he would have to re-deposit what he took out. They submitted that as a submission of their own.

Mr. STURDY: Well, when he leaves the reservation, he does not share in the capital that is set up for the land itself.

Mr. SMALL: No.

Mr. STURDY: So, that is all he would come back to.

Mr. SMALL: But some of them are coming back and want to be cut in again—and that is what they were complaining about. It was not us who were complaining.

Mr. STURDY: Yes, I can understand that.

Mr. SMALL: Particularly, the married ones—and there was a great deal of difficulty in that as well.

The VICE-CHAIRMAN: Are there any further questions?

Mr. WOOLLAM: I would like to conclude our discussion, Mr. Chairman, by saying that most of our remarks have been made from within the particular administrative context of the present act. Our suggestion is simply that these clauses be deleted; and then with a quality of bold imagination, we turn with a fresh look to the problems that are created here at the financial level. I think it is a tragedy that we are not able to look at the total situation with fresh eyes, instead of looking at it from a particular legislative framework of reference.

The VICE-CHAIRMAN: Are you referring, Mr. Woollam, to the compulsory enfranchisement section now in the act, or are you referring to the voluntary enfranchisement?

Mr. STURDY: The voluntary one.

The VICE-CHAIRMAN: The compulsory section is going to be removed.

Mr. WOOLLAM: The voluntary section is the one to which we are referring in this seventh recommendation.

The VICE-CHAIRMAN: Are there any further questions? If not, shall we proceed to page 37?

Mr. STURDY:

The Indian affairs branch should immediately appoint persons to:

- (a) evaluate the suitability of existing reserve lands for agriculture.
- (b) investigate the extent to which reserve lands could be expected to support reserve populations by farming.
- (c) develop farming as an economic base for Saskatchewan Indians to whatever extent this is possible.

Well, there is a disposition on the part of many people to think that even in the most favourable part of Saskatchewan, the plains and the parkland area,



the agricultural industry could provide a livelihood for the Indians of the various reservations. It is our opinion this is impossible.

If you look at the 1958 per capita personal income of all people of Saskatchewan, you will see that the dominion bureau of statistics puts it at \$1.245. Now, in contrast, the average income per capita of the Indian was \$208—and only 13 per cent of this income of \$208 is derived from agriculture; so that is \$26 per capita. That is on the basis of all the Indians in the province. The income from agriculture, on a per capita basis, is approximately \$26 per annum. So, we are faced, willy-nilly, with the conviction that agriculture will not provide an income even in the most favourable part of Saskatchewan for our Indians.

Let us look at how they get their income. Government transfer payments, that is for relief, family allowances, pensions and so on, of all kinds account for 30 per cent; and up to 53 per cent of their entire income at the Touchwood agency in our province.

Probably the total income which has been earned by employment of Indians in fishing and trapping and farming only amounts to 12 per cent at the Crooked lake agency, and as high as 64 per cent at the Carleton agency.

The only source of income for the southern Indians—that is from resources based on employment,—is agriculture; and the economic problem which the Indian faces are those connected with such things as land tenure, and the reserve regulations; and we have dealt with some of them.

Our contention is that there appears to be no chance whatever for the Indians of southern Saskatchewan, and the prairie and parklands to support their present population by farming. Let us examine it; in the past ten years the overall population of Indians in Saskatchewan is 37.6 per cent. I take as an example the Pelly agency; and if you break it down by land allotment on a per capita basis it would amount to only 26 acres per person.

You can scarcely support a steer on 26 acres, let alone a human being. So our contention is that agriculture will not provide for a decent standard of living even in the most favourable parts of the province. This is all set forth very well in the preliminary to these recommendations, and I do not think I need to go over them in detail.

The point I want to make is this: that it is quite impossible in Saskatchewan to support the Indians on anything approaching a decent standard of living from agriculture as applied to the reservations.

We have thought, and we think the principle should be pointed out as to the suitability of existing reserve lands for agriculture, to investigate the extent to which these lands could be expected to support the reserve population by farming, and to make such arrangements as may be possible to provide for the transfer of the balance into gainful employment, or into some other activity; because, as I pointed out, under the circumstances, the reservations are becoming more and more a place of residence merely for the distribution of relief.

Also, an investigation should be made into the development of the farming potential, to whatever extent is possible. I think this is dealt with later on.

The VICE-CHAIRMAN: I was going to ask you how you made your last remarks agree with Item No. 5, with that part of your recommendations.

Mr. STURDY: May I call your attention to table 6 and table 7 at the back of the brief. The total income from the farms—that is from the sale of grain and stock—is only 13 per cent of their total income.

I want to point out here that we do not think that the reservations are being properly utilized.

If you will turn to table 7 you will see that the total acreage on the reservations in Saskatchewan is 1,214,000; and that possibly 600,000 acres are good, arable land, and that out of those 500 or 600 thousand acres, 200,000



acres are leased out to non-Indian farmers. And what do the Indians get out of that? They get only 3 per cent of their total income; and this is very small. Their average total income is \$208 a year, as of 1958; and three per cent of that was derived from leasing land to non-Indian farmers.

Senator HORNER: There has been a great increase in just the last year. Perhaps you do not have the latest figures, but there has been a greater number of acres leased just this last year, for instance. I know. I remember a time when they had great herds of cattle on the reservations. You must know the Qu'Appelle reserve, where grass is going to waste, and with no cattle to amount to anything.

Mr. STURDY: Here is something which must be examined.

Senator HORNER: But so far as your mention of a survey is concerned, the department already has all that knowledge. They know about all those areas; they know just exactly what each reserve consists of, and the type of soil, and all the rest.

Mr. WOOLLAM: Which recommendation are we dealing with now?

Mr. STURDY: We are dealing with No. 1.

Mr. WOOLLAM: It seems to me that we have skipped to Nos. 5 and 6.

The VICE-CHAIRMAN: I asked Mr. Sturdy how his remarks would coincide with No. 5.

Mr. WOOLLAM: May we take up No. 5 now?

The VICE-CHAIRMAN: Yes.

Mr. WOOLLAM: I would like to indicate as at the bottom of page 34, in the last paragraph that in the Pelly agency, for example, 52.9 per cent of all land is leased out, and this brings in income of 0.4 per cent of all the agency's income of \$198 per capita. In the Duck lake agency, 49.1 per cent of the land is leased out. It brings in one per cent of all the agency's annual income of \$187 per capita.

It is the feeling of many of these Indian bands and band councils—and I have chatted with them about it—that the current policy of the regional office in Saskatchewan that “private leases” to non-Indians should be terminated as quickly as possible is a good policy.

I think it is pretty generally agreed by the Indian people in the province as well that the sooner that “band leases” to non-Indians are also terminated, the better it will be; because certainly the statistics of the last few years which are quite appropriate to that, indicate that they are receiving very, very little benefit from the land by means of these band leases.

Mr. STURDY: We have been investigating the possibility of applying cooperative farming to the reservations. The Indians have gone out to the Matador cooperative farm, where there are some 20 veterans farming very successfully in a cooperative way.

Despite the fact that agriculture was depressed in Saskatchewan last year, that cooperative farm produced the best financial experience that it has had so far. The advantage of cooperative farming is the use of large equipment, up-to-date equipment, and this would provide training for the Indians themselves in the use of modern farm machinery.

The very philosophy of the Indians lends itself to cooperative enterprise. These people can share. These people can give away too. The Indian who is held in the highest respect is the man who has the most to give away, and that is particularly so in British Columbia, as is shown in the matter of the potlatches.

We think there is a possibility for success with cooperative farming on the reservations, and that it has a great advantage, in that the Indian cannot get rid of his land. Therefore they do not have the disadvantage of white people who might attempt to set up a cooperative farming system. That would be

obviated here. Because the Indian will retain that land for all time, and no member of the cooperative can take it away.

We would like to point out the advantage cooperative farming might have for certain reservations; and certainly it should be experimented with in any event.

Mr. HENDERSON: That was the contention of the Saddle lake people; they took in oil, and we spent half a day on it with them.

Mr. THOMAS: They spoke about cooperative farming and agreed with it.

Mr. HENDERSON: That was the same thing; and they spoke about the cooperative farm near Medicine Hat.

Mr. STURDY: In our present pioneering stage there are larger and larger farms, such as corporate farms, or cooperative farms, or individual farms. It seems that the Indians have advantages as far as their reservations are concerned, and that they could use the best possible methods of farming, something which is not being done today—with the employment of highly mechanized methods of farming, and that should be advantageous even if it would only promote the raising of farm stock, chickens, pigs, and so on.

This however would have to be done under careful management, under the management of white people who have had wide experience in cooperative enterprises; and may I say that several of the Indians who have visited cooperative farms of the province are very keen about it.

There have been certain aspirations cast against the Hutterites here. But let me tell you that the Hutterites are the most successful farmers in Saskatchewan.

The VICE-CHAIRMAN: They should be.

Mr. STURDY: They farm on a large scale and they employ the most modern methods of farming.

Senator HORNER: Yes, because all their people work; all the women work at every kind of labour, and they pay no income tax. Surely they can be quite successful; and they have refused to become citizens or to belong to society, or to have anything to do with it.

Mr. WOOLLAM: I object to that kind of thing getting into the record at this point.

The VICE-CHAIRMAN: Order, order.

Mr. STURDY: I have made the statement and I stand by it, that the Hutterites represent the highest type of cooperative farming, and it is the most successful in Saskatchewan. There are no Hutterites on relief. There are no Hutterites in our mental institutions in Saskatchewan; and there are no Hutterites in our penal institutions. They are a very fine class of citizen.

The VICE-CHAIRMAN: I ruled that this question was out of order this morning, and I ruled that it was not a proper subject for debate in this committee. I still hold to that ruling. However, you people insist on bringing it up.

Mr. SMALL: We were discussing a matter of the Indian leasing out his land. Perhaps there would be some way of establishing a policy of non-leasing. But no one forces them to lease it out. No one is forcing them to lease it out. The same thing happens in Ontario on the Six Nations reserve. There is valuable land on the reserve that is being leased out to non-Indians just because the young Indians do not want to stay there.

Mr. STURDY: In regard to your statement, that is perfectly true, and I appreciate it. The tendency in our province is towards larger and larger farms, highly mechanized farms requiring considerably large capital. The Indian does not possess that capital; he cannot engage in modern farming—in modern successful farming—and some means will have to be worked out to enable him to get the capital to engage in modern, mechanized, diversified farming.

Mr. SMALL: There was an approach made to that by the Blood Indians last week, I think.

Mr. HARDIE: I am not too sure that this idea is new at all. I am just wondering if the officials of the department of Indian affairs can tell us if they have ever ventured into this type of farming, where the department has given assistance in supplying equipment, et cetera, to help the native in a more or less cooperative form of farming.

Mr. SMALL: I think that came up in the co-op. presentation.

Mr. HARDIE: I should like to know, have they, or have they not?

Mr. SMALL: I think that was explained last week, when the co-ops. were here.

Mr. WOOLLAM: Giving assistance to Indian farming projects has, I think, little relationship to a program of cooperative farming.

Mr. HARDIE: The same equipment is used by a number of farmers: this is cooperative farming, as your friend explained just a moment ago.

This is cooperative farming, where you buy equipment and move it around an area. I do not think there is anything new in this at all. I agree that the Indian would benefit by this; but this is nothing new.

Mr. STURDY: There does not seem to be any method by which Indians who wish to engage in this sort of thing can acquire the capital to make it possible. I do recognize, too, that it requires a great deal of supervision. It requires considerable supervision and careful planning; but it would be a great experience for the Indians themselves, because they would sit on co-operative boards and they would gain a lot of self-reliance and experience. We would like to see it tried out in some of the better farming areas of the province.

Senator FERGUSON: Mr. Sturdy would like to see it tried out; but would the Indians like to see it tried out?

Mr. STURDY: Yes. They have come to me personally and have asked me to take them up to the Matador cooperative veterans farm to see how it operates. They were so impressed that they went back, and when they found out the amount of money that is required to set up a successful cooperative farm, of course, they were up against it; their funds would not provide it. They must be assisted.

Mr. WOOLLAM: One such group would be from the Muscoday reserve, the John Smith reserve, at Davis, Saskatchewan. That would be one group at the moment which is very concerned.

Senator BOUCHER: I do not think the group on the One Arrow reserve are being favoured with that.

Mr. HARDIE: Would the provincial government be willing to come in to help this system, if all the people on the reservations would like to go ahead with it?

Mr. STURDY: It is something we have not kicked in with so far, because there have not been the agreements or the organization to do it. We would give technical assistance; we could provide supervision; we could provide Ag. Rep. services; we could provide many agricultural services that are given to the white farmer now, but are not given to the Indians.

Mr. KORCHINSKI: There has been reference made to the Matador farm, pointing out that it has been proven a success. Would Mr. Sturdy care to tell us of any instances where cooperative farming has been effected and has not been a success?



Mr. STURDY: Yes, plenty. I was before a similar committee back in 1945 when I was minister of reconstruction and rehabilitation, advocating cooperative farms for the settlement of veterans. One of the weaknesses was—and it was a very serious weakness—that the veteran, in order to get the grant of \$2,300, had to have ownership of a specific acreage of land. No cooperative farm is going to be entirely successful if any member of a cooperative can remove that land from the cooperative. That is the basis upon which a few of the cooperative farms were broken up. But the Indian within the reservation—he cannot alienate the land—would not be faced with that problem.

Mr. WOOLLAM: This speculation factor that breaks up cooperative farming, with rising land values, and so on, is the most destructive factor, and this is the factor that the reserve land system would not introduce. This is a communal land system.

The VICE-CHAIRMAN: In some aspects, it is: in some reserves, it is.

Mr. WOOLLAM: That is right.

The VICE-CHAIRMAN: Your single members do not hold location tickets for portions of these reservations; but they can purchase land, can they not—that is what I understand—and hold it in their own name, or right?

Mr. STURDY: Within the reservation.

The VICE-CHAIRMAN: Within the reservation, in some parts of Canada; maybe not in Saskatchewan.

Mr. BROWN: Yes, this is the certificate of possession idea that is covered under section 20 of the Indian act.

Mr. STURDY: That is not ownership.

Mr. BROWN: It is ownership, as opposed to any other individual Indian on the reserve.

Mr. WOOLLAM: It is not ownership to the Indian.

Mr. BROWN: It is not ownership in fee simple.

Mr. THOMAS: He can sell to another Indian.

Mr. STURDY: But it cannot be alienated from the reservation.

Mr. THOMAS: It is no good for purposes of security for borrowing money?

Mr. STURDY: That is true: that is another disadvantage.

Senator HORNER: In some of your cooperatives that did not work out successfully there was the human element. Like a partnership, one partner wants to work hard and the other likes to have a good time, and so on. There is always that human liability. Nothing improves the individual working and running his own farm, as much as striving with his fellow neighbour to have a better farm and to do his work in a better manner. Nothing has been invented to beat that system yet, for a life and a living.

Mr. THOMAS: Sixteen hours a day!

Senator HORNER: Whatever hours you like to keep: competition with your fellow man is a good thing.

Mr. STURDY: In due course we could have this competition among cooperatives, could we not?

Senator HORNER: They did have a large tractor on the Muskeg reserve. It broke up a lot of land, and that worked out all right. That was all right, as far as leasing the farm now is concerned. It is possible, perhaps for the Indians to go back and farm it. But it was a huge task, because the land broken was heavy bush. It took a lot of heavy machinery and working, and so on. But now it is beautiful farmland and will be quite easy to farm. The people who farmed it got their money out of it.



Mr. STURDY: I am not denying the fact that there were good and sufficient reasons for leasing land out to non-Indian farmers a few years back, when bush land had to be cleared and broken up. It was beyond the financial capacity of the Indians to do it. But now I think that alienating this land, even for a period of 10 years, should not continue—that land should revert to the Indians, and we should be in there helping them to make the best possible utilization of it through mixed farming or cooperative farming.

The VICE-CHAIRMAN: We have ranged pretty well from No. 1 to No. 6 on the discussion. Are there any questions on No. 1, to start with? No. 2? No. 3?

Senator SMITH: Is No. 3 on page 20?

The VICE-CHAIRMAN: No. 3 on page 28. No. 4? No. 5? No. 6?

Mr. WOOLLAM: Just to spoil the record, Mr. Chairman, Senator Horner asked a question on No. 6 earlier relating to this. He stated, I think, that all lands in southern Saskatchewan had been surveyed, I would draw his attention to our document on page 36 and ask him to consider this carefully. And if we have made any statements that are not factual, I would like to have them drawn to our attention. So far as I know, our claims are quite in order here.

The VICE-CHAIRMAN: On page 36?

Mr. WOOLLAM: Yes; this is where we indicate that certain of the reserve areas have not yet been surveyed.

Mr. THOMAS: On page 38, Mr. Chairman, is that not—

The VICE-CHAIRMAN: I wonder if we could get this other matter cleared up first.

The VICE-CHAIRMAN: Senator Horner, I do not recall your making that statement.

Senator HORNER: Yes, I did: I said something to this effect, that I was sure the department had a knowledge of all the reserves and, no doubt, the number of acres. I said that was available to the department, that they have it, and I would think they have had it for years and years.

Mr. WOOLLAM: You stated, sir, that these reserves had all been surveyed.

The VICE-CHAIRMAN: I do not think so.

Mr. BROWN: He did not. May I say something here, Mr. Chairman?

The VICE-CHAIRMAN: Yes.

Mr. BROWN: As I recall it, Senator Horner was thinking of a survey of resources, rather than physical surveys.

Senator HORNER: Yes; I was referring to the acreage, the capabilities, and that type of thing.

Mr. KORCHINSKI: He was referring to No. 1, if I am correct:

The Indian affairs branch should immediately appoint persons to:

(a) evaluate the suitability of existing reserve lands for agriculture.

He said a survey had been made as to the potential.

The VICE-CHAIRMAN: As to the potential for agriculture?

Mr. KORCHINSKI: Yes.

The VICE-CHAIRMAN: Yes, I think probably that was it.

Mr. WOOLLAM: I am sorry.

Mr. STURDY: Our recommendation is that the land be actually surveyed.

Mr. THOMAS: Would Mr. Sturdy suggest that this be done even if the Indians object to it?

Mr. STURDY: You mean the question of cooperative farming?

Mr. THOMAS: No, surveying.

Mr. STURDY: I believe they are—

Mr. SMALL: Suspicious?

Mr. STURDY: In the past they were suspicious; but I think that has largely disappeared. It would serve a very useful purpose, to have these reservations surveyed.

The VICE-CHAIRMAN: If they have no individual ownership, what is the point?

Mr. STURDY: It is the matter of jurisdictional disputes with the surrounding communities.

The VICE-CHAIRMAN: The boundaries themselves have been surveyed, I am sure, of all reservations.

Mr. BROWN: They were surveyed before they were allotted, because they were not allotted without legal description.

Mr. STURDY: Disputes have appeared, in some instances, within the reservation, actually. Loon lake, I think, is an example.

Mr. WOOLLAM: This is the point I was trying to bring up in relation to page 36. We have carefully considered this matter. Our claim is that there have been claims that are disputed in British Columbia, and that this situation is likely to take place in similar areas in Saskatchewan.

The VICE-CHAIRMAN: It is not on existing reservations of British Columbia; it is several areas that were supposed to have been Indian lands previously, and they think they are still Indian lands. That is the discussion in British Columbia.

Mr. SMALL: Is that the Natches Indians?

The VICE-CHAIRMAN: My statement was that these reservations had been originally surveyed. Is that not true, Mr. Brown?

Mr. BROWN: Externally, but not internally.

The VICE-CHAIRMAN: Not internally, no.

Mr. STURDY: Well, I think if you are going to set aside a portion of a reservation for cooperative farming, it should be surveyed.

Mr. WOOLLAM: We may be out of order, but we had checked out everything contained in the brief. It might be this section, paragraph 1, page 36, is an error. If Mr. Brown's claim is so, we are in error and, perhaps, ought to leave this point. It might be well if recommendation No. 6 were deleted.

Mr. STURDY: May I ask Mr. Brown a question.

The VICE-CHAIRMAN: Yes.

Mr. STURDY: When you grant an area on the reservation—the land use of a certain area—how do you determine the boundaries of that?

Mr. BROWN: Where the reserve is internally surveyed, it is described by lot number, quarter section, and so on. However, where it is not, it is set out by a pretty general description. It is related to objects, places—a metes and bounds type of description.

The VICE-CHAIRMAN: In that case, there is no actual ownership of that particular land.

Mr. BROWN: It is an individual right to sole possession.

Mr. STURDY: It is not an overly important question.

The VICE-CHAIRMAN: It has been discussed on many, many occasions.

Mr. STURDY: Do you want to delete section 6 of that?

Mr. WOOLLAM: It might be as well, as I do not think we have information to properly validate it.

The VICE-CHAIRMAN: Then, are there any further questions?

I think the last one I called was No. 4. Is there anything on No. 5? If not, the next section would appear on page 42.

Mr. WOOLLAM: I think we could move on to page 43, Mr. Chairman.

The VICE-CHAIRMAN: Fine.

Mr. WOOLLAM: You might wish to ask if there are any questions on this.

The VICE-CHAIRMAN: Well, it has been discussed to quite a length, has it not?

Are there any questions on No. 1 of page 43—northern development?

Mr. HARDIE: Mr. Chairman, in the northern areas of the province of Saskatchewan—and, particularly, the most northerly areas—we have a problem which is different from that of the southern areas. At the present time we have the problem of the Metis, who are half-breed Indians, and I am wondering if the witness could tell us what the Saskatchewan government is doing in regard to these recommendations they make on behalf of the Metis people.

Mr. WOOLLAM: Do you wish me to approach this from the view of our 64 recommendations, singly? This morning, we did spend some time on this in our introduction, and drew an outline of the kind of concern being shown by the province on this subject. However, if there is a particular question appropriate to one of these recommendations, I might be able to shed some light on it.

Mr. HARDIE: Since northern resources based industries should be developed to the limit of their development—and, I understand, any northern resources in the province of Saskatchewan are owned by the province—what are they doing in order to develop these resources, and to do for the Metis people what they now recommend that the federal government should do for the Indian? I think it would enlighten us because, if something is being done for the Metis people, you could tell us about those.

Mr. WOOLLAM: We did get into this, this morning, in connection with the fish and fur marketing services which were first set up as crown corporations by the provinces, and are now in the process of being transferred to cooperatives which are jointly owned by the Indian and Metis people, who were doing business under the crown corporation set up. The suggestion in the first recommendation is that a further cooperative development be made possible by the purchasing of one of the present fish marketing services in the province, and discussions on a civil service level have been continuing in respect to this possibility. We simply draw it to your attention in this brief, and so recommend.

The VICE CHAIRMAN: It was discussed pretty thoroughly this morning.

Mr. KORCHINSKI: Why would you recommend that the government purchase, since it is presently operated as a cooperative?

Mr. WOOLLAM: It is presently operated as a private fish marketing service. I would hesitate to give the reason for this, but I think it would be in order to say—and I think this view is shared by at least some of the regional Indian administrators—that it would be to the continuing welfare of the people of the area if this enterprise were owned cooperatively, as has taken place in other northern parts of the province.

Mr. KORCHINSKI: If there is such an establishment there, what are the present disadvantages? Apparently, it is serving the needs of the people in that area.

Mr. WOOLLAM: I think the fundamental point would be that a fish marketing service wishes to go out of business, and is looking for a possible customer. This would seem to be an appropriate time, if consideration is going to be given to a cooperative structure.

Senator SMITH: Are you referring to a crown corporation?

Mr. WOOLLAM: No, a private industry.

Mr. HARDIE: Why would they want to get out of it? Is it not profitable?

Mr. WOOLLAM: I think the reasons for its intended sale have been made plain at a civil service level. I could speculate, but I do not think it would be wise.

Mr. HARDIE: Do you know if the quotas have been cut by the fisheries department of Saskatchewan?

Mr. WOOLLAM: No. I think the state of the business is a very healthy one. I think it is a determination on the part of the owner to retire from the business.

The VICE-CHAIRMAN: Is this in close proximity to the other operating cooperative?

Mr. WOOLLAM: No. This would be on the other side of the province, but it would set up a similar kind of marketing service structure.

Mr. KORCHINSKI: What place is it to which you are referring?

Mr. STURDY: I think the headquarters is Meadow Lake.

Mr. CADIEU: It is Big river.

Mr. STURDY: Yes; I am sorry.

Mr. CADIEU: And they have a big plant at Buffalo Narrows.

Mr. STURDY: Yes.

Mr. STEFANSON: Of those engaged in the fishing industry, what percentage are Indians?

Mr. WOOLLAM: I would hazard a guess, and say roughly 50 per cent in this northern region. As has been indicated this morning, the population of the area is about 4,000 Indians, 4,000 non-Indians, and 4,000 Metis.

Mr. HARDIE: Would this area be reserved then for Indians?

Mr. SMALL: That was also discussed this morning.

Mr. STURDY: The lakes are assigned by the provincial department of natural resources.

Mr. HARDIE: And you would assign lakes to Indians only?

Mr. STURDY: These are classified as "A" and "B" lakes, and according to the quality of the fish that come out of them. Your question was?

Mr. HARDIE: My question is this: would the Saskatchewan government assign to a group of natives a lake for their sole use, for commercial fishing?

Mr. STURDY: Yes.

Mr. HARDIE: I am glad to hear that because, possibly, in the Northwest Territories, we can keep some of your Saskatchewan fellows out.

Mr. STURDY: You cannot keep enterprising people out.

Mr. HARDIE: Well, you are doing it.

Mr. CADIEU: Have the department of Indian affairs not assisted in some of these filleting plants set up in the north?

Mr. STURDY: Yes, they have in one or two cases. I just cannot recall the names.

Mr. WOOLLAM: And I am not sure, but I know the answer is in the positive.

Mr. STURDY: It is true that there has been federal assistance?

The VICE-CHAIRMAN: Are there any further questions on No. 1 or No. 2? No. 3 is next. You have not dealt with that yet. It concerns the cooperative blueberry operation.



Mr. WOOLLAM: I think it is a small and obvious point.

Senator SMITH: I am wondering what phases of the operation would call for or justify this. Would it be marketing, storage, transportation?

Mr. STURDY: Storage and marketing.

The VICE-CHAIRMAN: No. 3.

Mr. HARDIE: Is there any other blueberry industry in Saskatchewan?

Mr. STURDY: Not that I am aware of. There is quite a harvest of blueberries throughout the northern part of the province.

Mr. HARDIE: And they are processed and marketed?

Mr. STURDY: Yes. They appear in the stores throughout the province.

Mr. SMALL: Is blueberry the correct name for it?

Mr. HARDIE: They are always called Saskatoons.

Mr. STURDY: Oh yes, blueberries. There is the low bush blueberry and—

Mr. HARDIE: What are the Saskatoons then— the high bush?

Mr. STURDY: Yes, Saskatoons grow on a higher bush.

The VICE-CHAIRMAN: Are there any questions on No. 4?

Mr. WOOLLAM: I think maybe, further to that, it ought to be said that those magic words "community development", do not offer a panacea solution to the whole complex of problems concerning social change. Community development programs are still experimental, and should be considered as such. While we seem to believe in it with our Canadian Colombo plan dollars, we have never taken it quite seriously on the home front. It is, I think, obvious and a source of concern that the orientation of many Indian Affairs field men and of many of our nurses under Indian health services, who have had public health training but are without a community development perspective, is not more determined in the light of some of our experiences in other countries. It might be possible to introduce a community-development training program into the existing administrative framework, for the benefit of existing personnel in the Indian affairs branch. It may be however that this implies a new kind of personnel appointment at the community level. However, we feel the recommendations made by the Indian-Eskimo association, in these regards, deserves the backing of the province of Saskatchewan.

The VICE-CHAIRMAN: Are there any other questions on No. 4? If not, we will turn to page 48.

Mr. STURDY: Mr. Chairman, this arises out of the fact fishing and trapping in the north will not be sufficient to provide employment for all the Indians there; and neither will agriculture in the south—in the parkland area of the province—be sufficient to provide for the Indians. Therefore, trade training, in particular, will be necessary for a large group of Indian youths—and women, as well. Some start has been made on that. However, it is quite inadequate to meet the terrific demand for employment that must come if we are to do anything about the integration of the Indian.

Mr. HARDIE: What success has the provincial government in encouraging industry to hire the Metis people?

Mr. STURDY: In many cases the Metis people are employed. It largely depends on the personal reputation of the worker and of the Metis himself. I regret that we have not been as successful, nor have we probably pursued this as far as we wished. We have not set up a trade training program that might be the answer, to give these people the skills.

I agree with you that employers are loath to employ Metis and Indian people.

Mr. HARDIE: Could you tell me what sort—or could you give me some figures of how many approximately—how many men are in your vocational training school today?

Mr. WOOLLAM: We indicated that this morning. There are 30 Metis and Indian people who are to undertake training in the new Indian vocational school, which is an experiment to begin on September 1 this year.

Mr. HARDIE: That is for the whole of the province of Saskatchewan?

Mr. WOOLLAM: That is for the northern part of Saskatchewan. But in respect to the southern part, we have no statistics. However there are a number of individuals who through the office of social welfare have been working into the vocational training set up at Moose Jaw, Saskatoon, and Regina.

Mr. HARDIE: You have 30 Metis or Indians who run off the reserves and who will be taking the six month course starting in August of this year?

Mr. WOOLLAM: Yes, but as yet there has been nothing of this nature done at all with the treaty people.

Mr. HARDIE: There is no vocational training for treaty Indians in Saskatchewan?

Mr. WOOLLAM: That is correct, and that is what we are asking about. Are we not in danger of generalizing again, Mr. Chairman?

The VICE-CHAIRMAN: Mr. Hardie is continuing with No. 2. Perhaps we should complete No. 1. I think it would be preferable. Are there any questions on No. 1 on page 48? Or does that conclude No. 1?

Senator HORNER: In connection with the question asked, the Saskatchewan government has an enormous number of civilians such as bus drivers and civil servants. Have they ever endeavoured to train Indians for those jobs?

Mr. STURDY: Yes. Most of our firefighters for example in the north are Indians.

Mr. HARDIE: Because there is nobody else.

Mr. STURDY: Oh no! Those are desirable jobs; and also in other areas Indians are being employed.

The VICE-CHAIRMAN: Are there any further questions on No. 1?

Mr. WOOLLAM: I am really disturbed by the inferences at this point. In co-operation with the placement officer of the Indian Affairs branch, we have endeavoured to look at many of the places within the structure of our departments where we could make employment for these Indian people. We do this honestly without any "hidden agenda." I think some of us are concerned with such situations which, for example, are to be found in Indian health services here and there throughout the province where Indians might readily have been employed in a situation, but where a non-Indian has been placed in a job which could readily have been filled by an Indian. I should add that the Indian Affairs Branch in Saskatchewan could not be subjected to this criticism.

We could document this with reference to certain retired, non-Indian personnel employed by the Indian health services at the moment. But the inference of this question disturbs me somewhat.

Mr. HARDIE: I must agree that I think that both the provincial and federal governments have to play a leading role in employing Indians; and since the Metis there, and since this group are the responsibility of the provincial government, my questions were derived or were asked to get an idea of the success, and what was done by the provincial government that might enlighten or do something for the Indians, who are the primary concern of this committee.

Mr. STURDY: Well, let us take for example the large number of Metis families located in the Green lake area of the province. The provincial government has assisted them in breaking up the land there, and they are now established there.

Mr. HARDIE: This is a reference to employment opportunities, in No. 1, on page 48.

Mr. WOOLLAM: I think we have answered that question this morning, but one of the problems which our department of national resources has been working on is to try to recruit a number of treaty young people for service in a Conservation Officer training program that is to be carried on throughout the summer, and special arrangements have been made for some of these people because of academic qualifications that they do not have. It has gone on now, and it has been done at a number of levels.

Mr. HARDIE: The Eldorado Mining & Refining Company at Uranium city, as suggested by this section, should do something more about employing Indian natives and Metis.

Mr. WOOLLAM: That is the point.

Mr. HARDIE: I wonder how many? I wonder if Mr. Sturdy or yourself could tell us how many Metis there are—we will not take Indians, because apparently you are recommending that something should be done; so could you tell us how many Indian Metis people in the province of Saskatchewan have been trained through your provincial vocational training program to fit them to go to work in mining uranium for Eldorado, or for Gunnar mining, or anyone else operating in that area?

Mr. WOOLLAM: The next recommendation suggests that this kind of training is desirable on a joint federal-provincial cooperative basis, and it suggests the setting up of such training. I think we would answer your question by saying that we do not have those figures.

The VICE-CHAIRMAN: No. 2 was just referred to by Mr. Woollam. Are there any more questions on No. 2?

Mr. WOOLLAM: I think the time is pressing enough that we ought to leave that question.

The VICE-CHAIRMAN: Are there any further questions on No. 2? We have dealt with this matter in previous briefs, of course; and if there are not the number of questions which you think the subject warrants, it is because that is the case. What about No. 3?

Mr. WOOLLAM: I would only add that one of the most cooperative and useful members of the Indian affairs branch staff in Saskatchewan is our placement officer, Mr. Zakreski, and it was with real pleasure that we learned that there are two more placement officers to be assigned eventually in Saskatchewan, and we feel that this is very, very excellent.

The VICE-CHAIRMAN: We are making a start.

Senator HORNER: I do not know if they were ever given it, or whether they just acquired it by working at it, but the Caughawaga Indians go all over Canada and to all parts of the world because they are the best steel workers in the world.

The VICE-CHAIRMAN: And also the men of the Six Nations.

Mr. CADIEU: When I was home I noticed that many Indians from the Whitefish reservation were being transported to Alberta to work in the beet fields there, which would give them a handsome revenue.

Senator HORNER: We could not have got over the war years without their help.

Mr. CADIEU: I noticed that many Indian boys are working as farm helpers now, more so than in previous years, and that farm help seemed to be available.

The VICE-CHAIRMAN: Item No. 3.

Mr. HARDIE: No. 3 has to go along with No. 2. If there is not a proper job done first to find out the number of positions that will be available, I think



it sometimes is useless to train people such as power saw operators, or operators of building equipment and so on, if you cannot find any jobs for them.

I know in my own part of the country, where they have had vocational training, if the jobs are not there when they are through with their training it is very discouraging to the Indian, because they have taken their training but they must go home because there are no positions available to them.

And in many cases, particularly in adult training, you will find that when the younger people come out of the vocational training schools, and if a delay is experienced such as the one I just mentioned, you will find that it will not encourage people to go to school to take vocational training, because they will say, "look what happened to so and so."

Recommendation No. 3 naturally has to go along with No. 2, and I think a great deal of study and a great deal of work has to be done first in finding job opportunities in the area, particularly in northern Saskatchewan, where it is necessary, because of the small amount of income that is derived from fishing and trapping; and I think the Saskatchewan government in their reserve program could help a great deal by outlining for the Indian affairs branch some sort of idea of what they are going to do in the succeeding years, and point out new resources, and to give new ideas of new positions and jobs which will be available for native Indians and Metis when they come out of these vocational schools.

Mr. WOOLLAM: This was our essential point in terms of looking for the opportunity to do this kind of joint planning.

The VICE-CHAIRMAN: Are there any further questions on recommendation No. 3?

No. 4?

Mr. WOOLLAM: I suppose we imply here that the problems which are considered to be welfare problems in matters of Indian affairs are far more economic problems than they are welfare ones. One might look, for instance, at one of the agencies in the southern part of Saskatchewan where in the month of January this year approximately \$2500 was paid out in cash relief payments to 2300 people in one month. One wonders what this kind of money might have accomplished in terms, perhaps, of local subsidized industry, in terms of some imaginative venture which would leave the Indian with something other than a sense of dependency at the time of receiving this subsidization.

It seems to me that if it is necessary to subsidize to this extent that we might find some better way of administering these funds on an economic rather than a welfare philosophical basis. At the moment it seems to us this is almost like pouring it down the rat hole.

Senator INMAN: Have you any industries in mind which could be helped?

Mr. WOOLLAM: We never have been in a position to do this kind of thinking, but we would welcome the opportunity to do it within a joint framework. For instance, I do not believe roads seriously have been considered. I think on one reserve, the James Smith reserve, there is a new school into which approximately one-quarter of a million dollars has gone. There are nothing but moose trails which lead up to it. Many of the people there are on relief and subsidization. I do not think it would take a great deal of imagination to devise a program which would go a long way to keep these people busy and reward them financially.

Mr. STURDY: We are subject to seasonal unemployment in Saskatchewan and we have been successful, along with the federal government, in working out a pretty successful program. I do not see why this could not be applied to reservations where such things as roads are necessary, and also other types of improvements on the reservations themselves.

Mr. WOOLLAM: I think the majority of the Indian superintendents would favor this kind of thing.



The VICE-CHAIRMAN: Are there any further questions on recommendation No. 4?

No. 5?

Mr. SMALL: That has been discussed previously.

The VICE-CHAIRMAN: Yes, at quite some length.

Are there any questions on recommendation No. 6? I would suggest there may be a mistake. Do you mean that counselling service should be given to Indians at grade 4 level?

Mr. WOOLLAM: Yes. We feel this is the level at which these children presently are leaving school. I think statistically we made a case for making some of these kinds of opportunities available to them at this level.

The VICE-CHAIRMAN: Grade 4?

Mr. STURDY: You must remember that some of the Indian children in grade 4 are 10, 11, 12, 13, 14, or 15 years of age.

The VICE-CHAIRMAN: What is the legal age for leaving school.

Mr. STURDY: 15.

The VICE-CHAIRMAN: Yet they leave at ages 12 and 13?

Mr. STURDY: No. However, even at grade 4 level it is not too early. Some of them never get beyond grade 4. I think the average is about grade 7.

Senator INMAN: Would you consider a child of 9 or 10 years of age was capable of absorbing counselling.

Mr. STURDY: I am afraid I do not have the information here on education statistics.

Mr. WOOLLAM: If this is the level of his education, is he capable of seeking employment without this counselling?

Senator INMAN: Would he be employed at that age?

Mr. WOOLLAM: At this grade level. There are many of these children who might be perhaps 13, 14, or 15 years of age at grade 4 level.

Mr. STURDY: I do not believe it should apply if the child is 7, 8, 9 or 10 years of age. If he is making remarkably good progress in school he will possibly continue. So many of them, however, actually do not get beyond grade 4.

Senator INMAN: What I have in mind is if their mentality is such that they do not get beyond grade 4, could they absorb what would be given them by way of counselling.

Mr. STURDY: The fact remains that there are trades in which they may be trained and in which employment may be opened up when they do leave school.

A white child at this age would look ridiculous in grade 4, but so far as the Indian is concerned he is retarded three or four years in many cases and sometimes more than that.

Mr. SMALL: This was discussed previously, mostly under the heading of educational possibilities. It was mentioned that the children could not be trained at home because the adults could not give them the assistance.

Mr. HARDIE: Surely if we provide the parents with an opportunity to make a decent living we are not going to have any problem of employment or of trying to employ children of 11, 12, 13 or 14 years of age.

Mr. WOOLLAM: I believe Mr. Hlady has some experience in respect of Sandy Bay. This might possibly shed some light. Would it be in order to call him?

The VICE-CHAIRMAN: Yes.

Mr. HLADY: We did a study of the educational standards at Sandy Bay. The educational standards of the Indian and Metis in the Sandy Bay community

is eastern Saskatchewan averaged 3 and  $\frac{3}{4}$  grades for the women and 4 and  $\frac{1}{4}$  grades for the men. When you look at the difference in the ten year age groups, the figures are as follows: for those under 20 and married have an average of about six grades; for those 20 to 29, an average of about five grades; for those 30 to 39, an average of approximately four grades. When you get to the group 60 to 69 years of age the average was one-fifth of a grade and for those over 70 they had no formal education whatever.

In Manitoba where I was connected with the Lagassé study we found that the average education was approximately grade 5 and for the younger age groups just under grade six. Usually they would leave school at 15 $\frac{1}{2}$  or 16. Some may go on higher or even to high school; but on the average the age retardation due to the language difficulty and the late start at school, at age 7 and sometimes later, makes it difficult for these children to overcome their initial handicap and they are often in grade four at ages 13, 14 and 15. They ride it out until they are 16 or whenever they can leave school. If this age retardation figure were eliminated initially the child of 16 probably would be in grade 9 or 10 and then there would be more who would go to obtain better grades and they would fit in better in our way of life.

Mr. HARDIE: Are these figures for one particular agency or are they the average for the whole province?

Mr. HLADY: In Manitoba it is the average for the whole province. In Sandy Bay it is for that community.

Mr. HARDIE: Sandy Bay is where?

Mr. HLADY: In eastern Saskatchewan. It is about 70 miles north and a little west of Flin Flon.

Mr. HARDIE: That is the northern Indian. Do you not think in that case there is a reason for the average? In the first place the parents of these children derive their living off the land. In order for them to send their children to school one of them, probably the mother, would have to sit in town to feed the child and look after him in order to be sure that he could go to school. The mother is needed on the trapline. So the whole family as a group goes out, at least at certain seasons of the year and therefore the children do not have an opportunity to go to school.

Mr. HLADY: This is a much more important matter with the Metis than the Indian under the residential school set-up of the Indian affairs branch. You find that many more people turn out to go trapping. On the reserve with day schools, this still is in part a factor. However, in such things as getting family allowances and the need to be near medical care, and other services it is becoming more and more important and the tendency is for the mother to stay in the community with the children. Usually the husband and any other adult males in the family will be the ones who goes out trapping. You will find short periods when possibly the whole family will go out for the muskrat trapping or it may be as at Norway House where they take off the last two weeks of school to go out on the fishing grounds; but on the whole this factor is becoming less and less important because they are taking much more seriously the benefits of the medical services in the community and the family allowances.

Mr. HARDIE: Do you not think what actually happens is not only that the family allowance cheque is coming in and all the rest of it—the medical services and so on—but that there are more job opportunities other than trapping and fishing and therefore the family as a unit stays in town.

Mr. HLADY: Actually this average education situation in Manitoba is roughly the same in the south as it is in the north; possibly it is a little higher in the south. What happens in the north is that many Indians from the south who have good education and who can fit into the development operations go up there because there is less social ostracism than in the south and they are more

accepted and are happier to be in these areas where they can make a very good living and where they can bring up their families in the atmosphere in which they want to bring them up.

The VICE-CHAIRMAN: Are there any further questions on recommendation No. 6?

Recommendation No. 7?

Mr. WOOLLAM: This suggests that not only does the Indian need to learn about the white man, but the white man needs to learn a different image concerning the Indian; and emphasis should be put on publicity which would put the Indian employee in a more favourable light.

The VICE-CHAIRMAN: We had a great discussion on that subject a few days ago.

Are there any further questions on No. 7? If not, we will proceed to page 66.

Mr. WOOLLAM: I think if we might take these singly and hastily, we might well reach the end shortly.

The VICE-CHAIRMAN: Well, that is fine, Mr. Woollam.

Have you any comments to make on No. 1? Are there any questions on No. 1? No. 2—kindergartens? No. 3—noon day meals.

Mr. WOOLLAM: You have had, in all likelihood, some of these problems brought to your attention by other groups. To me, although I had read about such things, it was still a shock when I walked into a northern school and, watched a noon hour experience of a group of children. I noticed that these Indian children had only a piece of bannock and dry fish for their lunch—some of them were ashamed to bring this kind of lunch to an integrated classroom. Those who brought such lunches ate, with the greatest of hesitation and, in some cases, deferred from eating until the school day was over. This is a common problem, and has been considered by provincial and federal people. I think it is time that some joint consideration be given to the possibility of working out a noon hour meal program in the schools, particularly in the north.

The VICE-CHAIRMAN: Are there any questions on No. 3? If not, No. 4?

Senator HORNER: Perhaps Mr. Sturdy could find out the reason why they leave school, from these Hutterite friends.

The VICE-CHAIRMAN: Let us not get into that again.

No. 5?

Mr. STURDY: I think, Mr. Chairman, that the explanation, commencing at page 52, is pretty conclusive, and only requires reading to answer all of these.

The VICE-CHAIRMAN: I can assure you, Mr. Sturdy, that this brief will be examined very thoroughly by all members of this committee. I know it will be given very careful consideration when we come to write our report.

No. 6 is next. No. 7.

Mr. STURDY: This is merely an attempt to do what we think is very necessary, in so far as our Indian children are concerned, to make possible the process of integration. After all, the Indian child is born on a segregated reservation; he spends his childhood there. Very often he goes to a segregated reservation school, and spends the formative part of his years there. After they leave school, they return to the segregated reservation. They have learned to appreciate some of the amenities of life at residential schools. The girls, in particular, are dissatisfied with the primitive life on the reserve; they leave, and start getting into trouble. The young men leave when they are 17 or 18. We suddenly expect them to be integrated into the white society, after they have spent all their childhood, and the formative years of their lives, in segre-



gation. We expect them suddenly to become integrated into the white society. This is impossible.

Senator HORNER: We are all agreed.

Mr. CADIEU: I think we are making some strides forward. At Meadow Lake, we have a bus service from the reserve into the city school.

Mr. HARDIE: There is a lot to be done yet before sending a child off a reserve into a non-Indian school. I think your colleague hit the point, when he said the white man needs some education in regard to accepting the Indian. I have known of cases where an Indian child has been taken off the reserve and put in white schools. I have known this to happen: where a boy is a great ball pitcher, he is a great fellow while the ball game is on, but as soon as the game is over, he is an Indian. He returns to the reservation and, after he is through, he does not want to go back to that, because he feels prejudiced. There is a long way to go yet.

Mr. STURDY: I agree with you.

We feel very strongly that the time to start integration is when the child enters school.

An ex-chief of the Pasqua reserve called on me two days ago. He has eight children. His father was a great friend of mine. He had been chief of the Pasqua band for some time. He had lived in a white community at Momart. He told me his children made remarkable progress while they were in Momart. Then he returned to the reservation to carry on farming operations there, and his children went back to the Indian day school. He said that within six months they had deteriorated very seriously, until it has reached the point where he is now determined to leave that reservation in order that his children may continue their education in the white community. Now, it seems to me that is a pretty serious situation, and it does point up the value of commencing integration when the child enters school because, at that time, there are no colour or racial barriers of any sort. It is a natural thing for them to mix. That is why it becomes very important that roads should be developed so school buses can be established, and integration take place in the white community closest to the reservation.

Mr. WOOLLAM: I would certainly go along with Mr. Hardie, when he says there is a real educational job to be done. We know of local school boards within Saskatchewan who have turned thumbs down on integration proposals.

It was interesting to hear a statistic the other day from the Dallyn report on Portage la Prairie. It showed that 15 per cent of the white families in Portage la Prairie would not allow their children to play with Indian children in a school situation. Is it fair then to push them too rapidly into an integrated atmosphere? For you and I, one such rejection would constitute a major problem, but these children are asked to confront a situation, where fifteen children out of 100 are potentially hostile to them.

Mr. HARDIE: I do not think this can be rushed, in any case. However, it is white who needs the education.

Mr. STURDY: And if there is not some acceleration here, you will have a real segregation problem with which to deal—and it will be much more serious than it is today. There is not any discoverable anti-social attitude toward Indians in your province that I have been able to discover but, as Ray has pointed out, it is appearing in some of the school districts. Now is the time to educate our white people, and make this a general and accepted program.

The VICE-CHAIRMAN: No. 8 is next. No. 9.

Mr. SMALL: We have had that one before.

Mr. WOOLLAM: It is a good one too, is it not?

The VICE-CHAIRMAN: No. 10.



Mr. STURDY: Mr. Chairman, may I say this. We feel we would be making our strongest point before this committee if we could persuade a system of integrated education in our province, commencing when the child enters school.

The VICE-CHAIRMAN: Are there any questions on No. 10? No. 11. This one has been discussed on many occasions before. No. 12? No. 13?

Mr. STURDY: This has been tried out in a limited way in Saskatchewan and, where it has been tried out, it has proved very successful.

The VICE-CHAIRMAN: No. 14? No. 15?

Senator FERGUSON: Mr. Chairman, I would like to say that I am interested in seeing the suggestion that the girls be taught other things besides home economics in vocational training. There has been a number of things mentioned that men can take; however, there has not been much that I have noticed through the brief concerning the girls. I do not see why they could not be taught to be nurses aides, or trained as kindergarten teachers. They need not be trained as school teachers, as I know many girls who are excellent kindergarten teachers, but could not possibly teach older children. I think this point might be kept in mind. I would be glad to suggest that typing is one thing they could take up.

The VICE-CHAIRMAN: Yes, and shorthand.

No. 16? No. 17? This one was discussed at some length a week ago by one of the band organizations.

No. 18 was discussed a few minutes ago in regard to the northern development of industries.

No. 19? No. 20? No. 21? No. 22? This last one has been emphasized on more than one occasion.

Mr. WOOLLAM: Incidentally, I think one of the useful things that the federation of Saskatchewan Indians are in the process of accomplishing is in terms of acquiring an honorary membership to the federation of Saskatchewan Indians. Such honorary membership will be circulated regularly with the Indian Outlook, a publication of the federation. We hope, as this publication moves into a quality of publication that is written by Indian people, and about Indian people, from their own perspective, that this will serve as one educational avenue toward achieving the end of this recommendation.

The VICE-CHAIRMAN: Are there any further questions on item No. 22 on page 75?

Mr. STURDY: I have only this to say here.

The VICE-CHAIRMAN: Dr. Moore is here.

Mr. STURDY: We think this is one area in the provincial jurisdiction of responsibility which would better serve the interests of Indians. We have universal hospitalization, and we are in the process of having universal health services. We feel—and Dr. Moore, I am sure, will express his opinion presently, I hope—that the Indian should receive his hospitalization where it is located, at the closest hospital, without let or hindrance, and on the same basis as the white person.

He should receive in due course health services on the same basis as the white person; it would help indeed in integration if you had Indian children and Indian adults in the same hospital and with the same health facilities as the white person.

I think this is an area in which the provinces could assume, maybe, the entire responsibility in due course, so that there would not be one type of health service, for the Indian, and another type of health service for the non-Indian, and where a great deal of duplication might be avoided, and actual costs might also be reduced. But we have an authority here, and I would like to hear from Dr. Moore.

The VICE-CHAIRMAN: Dr. Moore?

Dr. P. E. MOORE (*Director, Indian and Northern Health Services*): Mr. Chairman, this is a very interesting brief. You will realize that there are many aspects of it to which I am not in a position to speak. But I do intend to bring it to the attention of my minister along with any advice that can be put forward.

We have, I think, developed a pretty creditable system of health care on the reserves, but there is this contentious point, that we do not follow the Indian after he leaves the reserve, after he comes off the reserve and establishes his residence. This has been referred to repeatedly, but the policy is that after twelve months we do not supply such services.

However, we do make quite a few exceptions to the rule, particularly if the Indian comes back and seeks help from our own establishment, where we do not have to make a cash outlay; and if he comes back to where we have our own medical officer, we do not turn him down.

Furthermore, the Indian has access under the Saskatchewan hospital plan to hospitalization in Saskatchewan, but the question arises in connection with our system of appointing medical officers; and that the Indian must go to one of our designated doctors. But if the Indian is working in a city and goes to a medical officer, he will have to pay for it himself. We say that if he has been working and is able to do so, he must pay the doctor himself.

But in many instances these people from Saskatchewan may go to the Alberta sugar beet fields, and we are paying bills continually for those people. There is one point in the brief concerning immunization, and I would like to set the record straight. I shall give this tabulation to the reporter. It reads as follows:

The following data were extracted from the annual summaries prepared by the Statistics Section from *Nurses' Reports received for 1958 and 1959*:

	1958	1959
D.P.T. Inoculations .....	7,398	5,145
smallpox vaccinations .....	1,377	2,420
T.A.B. vaccinations .....	162	1,961
polio vaccinations .....	12,753	7,157
B.C.G. tests done .....	1,064	1,759
B.C.G. vaccinations .....	415	682

T.A.B. is for typhoid, and I might say that we do not inoculate against typhoid unless there is typhoid in the area. There are many medical reasons, the chief of which is that the inoculation does not last more than two years, and the inoculation makes the person sick.

I think that is a fair record, when you consider that these are given to the child population as well.

Mr. STURDY: I agree with Dr. Moore that it would be good enough to have immunization struck out.

Dr. MOORE: I would endorse it, and we do, whenever possible, make out a program—and we have done so for years—whereby we work in conjunction with the anti-tuberculosis authorities in a joint survey, where we send our outfits into the northern parts of the province and inoculate the total population, while in many other areas of Saskatchewan the anti-tuberculosis league carry out the rest.

Most of our Indians are hospitalized in provincial institutions, for tuberculosis, but we do have some beds at Fort Qu'Appelle, which are just supplementary. Our nursing service is quite extensive, and we are trying even now to increase it further to points which are not yet served. There is a joint project referred to where the federal government contributed half the cost of this

hospital at Lac La Ronge. The provincial government is operating it, and arrangements are being made with the provincial government for its operation on a cost-sharing basis.

If there are any other questions I shall be glad to try to answer them.

The VICE-CHAIRMAN: Thank you.

Mr. WOOLLAM: May I ask a question?

The VICE-CHAIRMAN: Yes.

Mr. WOOLLAM: Would Dr. Moore like to comment on the Indian health service policy in respect to certain outpost hospitals in Saskatchewan, particularly one in the Broadview agency, which has a building worth about \$65,000 which was constructed a very few years ago but which is now padlocked? There is a second such "castle" at La Corne where \$25,000 in band funds were involved on the basis of expectations by the band that a hospital was to be constructed. It was constructed at a cost of \$45,000 as a total price, and it operated as a hospital only for a very short period before the hospital program itself was abandoned.

There is a public health nurse there now working from the premises (and incidentally with the help of a full time cook, and, 'mirabile dictu', a full time gardener working as well), on afternoon clinic programs. Again, the attitude on the part of the Indians on the reservation who see this costly building in relation to the kind of service that it is not now providing is something to be thought about.

Does this mean a sudden shift in policy in respect to these outpost hospitals, or are there plans here to rectify the situation? Or would you care to comment?

Dr. MOORE: I would be glad to try to answer. It is a misnomer to call it an outpost hospital, or a clinic, because it is in fact a nursing station. We have two or three different types. Usually we have beds; we have two bed wards, and they are for emergency use where a hospital is not readily available.

I believe we could refer you to the one near Melfort, but I think it was a mistake when those beds were added; it would have been much better to have left the beds off, because there are hospitals available in the adjacent area.

We have all these nursing stations equipped with beds in remote areas where no hospital facilities are available. But you cannot run a hospital and maintain it to take patients where the nurse is on 24 hour duty, which would totally immobilize her. Her main job is public health work, the health education of people, and home visiting. That is where we think we get the greatest results, by having the nurse go right into the Indian home.

Moreover, we have a very difficult time recruiting enough nurses to fill our posts. There is a shortage of nurses right across Canada, and there is no city hospital in Canada which has its quota of nurses. We have devised every plan possible to recruit them, and we have to train those girls.

We cannot get public health nurses. We have to take nurses under this post graduate training plan, and we are doing more in training—as I think was mentioned earlier—because these people probably do not have the community approach. We are taking steps to correct it, and we believe in it. But we must train these people ourselves, because trained personnel is not available.

You spoke about the nursing situation at Carlyle, and you said it does not have beds. On the contrary, there are beds in the hospital at Carlyle which we use, and as I said, we have to have a resident nurse to live with these people. They are a very backward outfit, and the nurses have to have a place which is fit to live in; and it was done in an attempt to give them health training with more home visiting, and trying to get them to improve their own lives.



Mr. WOOLLAM: I certainly sympathize with your problems, sir—but I suggest that the fact of padlocking an institution of this nature on a reserve is pretty disastrous.

Dr. MOORE: I have received a representation from the James Smith band to have two nurses stationed at this place, but we could not afford it manpower-wise; I do not mean dollar-wise; but there is no justification for two nurses.

I know that the Indians did put up \$25,000 for this institution, and they contributed to the cost of it.

Mr. WOOLLAM: It was initially used as an outpost hospital, and it was equipped with operating equipment.

Dr. MOORE: No, there was no operating equipment there. They could take care of emergency cases, and they could take care of pneumonia cases.

Mr. WOOLLAM: But there has been a change of policy.

Dr. MOORE: That is true. We would have the whole medical profession in Canada on our necks if we advocated the training of midwives. We have trained them for use in remote areas, but we do not think we are justified in using nursing services to carry out procedures which should be carried on by a doctor. There is a doctor in the town, and a hospital, but it is beyond my power to get them to go out on the reserve, because they will not go. The patient has to come to them. However, if it is an emergency, he will go. But by and large that is the situation.

Mr. WOOLLAM: You do have your problems.

The VICE-CHAIRMAN: Are there any questions on this item? Item No. 1 on page 75. Item No. 2? Item No. 3? Item No. 4? Immunization has been struck out.

Mr. WOOLLAM: It certainly has, and with apologies to Dr. Moore. I would draw your attention to the comment on page 73 as follows:

The quality of these services unfortunately does not match the quality of medical and hospital care. This may be inferred from the data shown in Tables 5 and 11, and other data supplied by the Saskatchewan department of public health.

I think again that this comment is only legitimate as it follows the earlier comment that we realize that Indian health service has certainly assumed far more than by treaty we would have expected them to assume. However the problem, as we regard it, is very definitely an educational problem. And over and over again (I think Dr. Wills could validate this statement in terms of some pictures of Indian housing, and Indian problems which were shown to the Kingston seminar). Over and over we see areas—and I can think of many in Saskatchewan—close to extensive Indian health services facilities, perhaps hospital or nursing facilities, where the most decadent housing conditions exist and the most blatant need for training on a sanitation level exists. While there is an effective program of immunization certainly, and of pills certainly, and hospitalization certainly, that is taking place, there is a large gap here that is not receiving the attention it ought to receive. I think this should be drawn to the attention of the committee as appropriate to this fourth recommendation.

The VICE-CHAIRMAN: There is a regional difference, too—you grant that—as Dr. Moore pointed out, where handicaps are very great. Do you wish to say something, Dr. Moore?

Dr. MOORE: It has not been brought out in the brief, I do not think—and I have listened to the brief very carefully—but I think it would be of interest to the committee to know that infant mortality is our major problem now in Indian health services. Home nursing is one way to cope with this. We can point out examples of several hundred Indian children who have spent more than 80 per cent of their first three years of life in hospital. They are just in, they go



back home, and they come back with diarrhea and pneumonia. If we get them soon enough, we save them; if we do not, they die. This is all because of ignorance, poor housing, poor sanitation and poor nutrition; nutrition, again, being one of the things we are trying to teach the Indian mother—how to properly feed her child.

The VICE-CHAIRMAN: Is there anything further on No. 4? The next is welfare services, on page 78.

Mr. STURDY: Here again, Mr. Chairman, we feel a comprehensive study of welfare service needs should be made jointly with the three levels of government; federal, provincial and municipal.

We run into a great deal of difficulty in respect to social aid, as an example, in so far as municipalities are concerned. We have gradually relieved the municipalities of all social aid costs until actually they are paying about 10 per cent now. But it has in the past, and to some extent during the present time, been one of the hindrances of integration. Municipalities resist Indians coming to, or taking up residence in their communities, because of social aid and the cost of welfare services. I think that a great deal could be gained by a conference on social services, along with health.

I think if we are going to do a job in integration, we must relieve the municipalities of the cost of social aid and the cost of health services in so far as they affect the municipalities.

They make the Indian feel that he is not wanted. In some cases they recommend his returning to the reservation, and so on. If we could link this up with housing, the provision of housing, when the Indian comes to an urban community for a period of one or more years, until they are established, that, too, would help in the integration problem.

So our recommendation here is:

The elimination of current inter-governmental frictions with regard to the interpretation of responsibility and policy.

We think that in due course the consolidation of welfare services under one administration would be much more efficient, effective and equitable than it is today, with the gradual extension of all existing provincial programs to Indians.

If they are going to be our citizens, then they should have the advantage of all welfare services that are provided to non-Indians.

The VICE-CHAIRMAN: Ladies and gentlemen, it is a quarter to six. It is obvious that we cannot possibly complete this brief this evening. Would you be willing to meet tomorrow morning at 9:30? Is that satisfactory to you, Mr. Sturdy?

Mr. STURDY: Yes, indeed.

The VICE-CHAIRMAN: Is that the wish of the committee, that we adjourn now and come back tomorrow morning at 9:30, to this same room?

Agreed.

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FRIDAY, June 17, 1960.

The VICE-CHAIRMAN: I believe I see a quorum now, ladies and gentlemen. We have one hour and 20 minutes in which I hope we will be able to finish the brief.

I will ask Mr. Sturdy or Mr. Woollam to continue on. I believe, Mr. Sturdy, we are at page 79.

Hon. John H. STURDY (*Minister without portfolio, and Assistant to the Premier of Saskatchewan*): I think, Mr. Chairman, that we outlined the areas

of conflict, misunderstanding and misinterpretation of the responsibilities as between the provincial and federal authorities; also the desirability of getting these misunderstandings cleared up; also the desirability of consolidating the welfare services under one administration wherever possible; furthermore the gradual extension of all existing provincial welfare programs to Indians.

Under recommendation No. 2, I might say that all Indians, whether living on or off the reserve, are eligible for the services of the provincial government's vocational rehabilitation program under an arrangement whereby the federal government pays the provincial government for the cost of assistance given to Indians. We think that this program well could be extended with beneficial results to the Indians. For many years in the past we have employed work and wage programs in municipalities to provide income for people in difficulty, for farmers who are without crops and so on rather than put them on relief. The practice by the federal authorities is to grant relief to Indians in difficulties on reservations. We think that this principle of work and wages program for such projects as reservation roads, brush clearance, public works of various sorts and maybe home building well might be developed. Certainly work and wages is an infinitely better program than the straight granting of relief when no service is rendered. Also we think that persons trained and experienced in working with groups should be assigned to northern communities and to agencies in the south of the province to assist with such things as development of community recreational programs, community organizations for welfare services, and that such persons might be used in case finding and case referral for the department of social welfare.

Under recommendation 3, Mr. Chairman, the informational pamphlet of which we spoke earlier in the brief should include the welfare services to which Indians are entitled, both on the reserve and off the reserve. As in the case of health services, the division of responsibility between dominion and province also has created problems in the provision of welfare services. One result of divided responsibility is that few Indians have any idea of what are their rights and what services are available to them. When the Indians have left the reserve and they run into difficulty, the easiest solution is to go back to the reserve. We feel that through the provision of an informational pamphlet which would keep the Indians, particularly those who leave the reservation, fully informed as to the provincial welfare services which are available to them, that this well might result in their remaining off the reserve instead of finding refuge in the reserve when they run into difficulty.

Under recommendation 4, we would suggest a change in the regulations governing the status of the Indian children adopted by non-Indians and the non-Indian children adopted by Indian parents. There is a problem here. According to recent federal rulings, Indian children adopted into non-Indian families retain their Indian status, but non-Indian children adopted by Indian families cannot acquire Indian status. Now this completely violates the very fundamental principle of adoption, which is that adoption confers on the child the full status and rights of a natural child. We would like to see this cleared up.

I think this pretty well covers the section dealing with welfare services.

Senator HORNER: In respect of this recommendation that the province take over, what would you do with regard to the Northwest Territories? Would you take in that portion north of the province as well? You are bound to have some interchange. There is a great area in which there is a population of Indians north of the boundary.

Mr. STURDY: We have not thought that through. In any event, in comparison to the whole Indian population, there is very little interchange of population between northern Saskatchewan and the Northwest Territories—in actual numbers. I agree with you that this is an area which should be investigated.

The VICE-CHAIRMAN: Are there any other questions, ladies and gentlemen, on No. 2, page 79? On No. 3, page 80?

Senator FERGUSON: In respect of 2 (b) on page 79, I think this idea is wonderful, but is it not a little theoretical? Is it possible to get trained people? Are there enough trained people available to do these jobs?

Mr. STURDY: I grant you that it is difficult to get fully qualified, experienced, professionally trained welfare workers, but I think that the federal government is in a position to recruit such people if the salaries are sufficiently attractive.

Mr. RAY H. WOOLLAM (*Director, Saskatchewan Provincial Committee on Minority Groups*): In this regard, for a long time the regional office in Saskatoon was on the search for a social worker. In chatting with a number of social workers who might have considered making application for this appointment, I found that their first point of resistance was the fact that there was literally a case load of 24,000. I think the availability of these professional people perhaps would change if the unit of operation was changed.

Mr. STEFANSON: On No. 2, Mr. Chairman, I agree that it is better to find work than give a relief ration; but I am wondering whether or not you had tried this in the province, or what success you have had in providing work for the Metis, that is similar work to what you are proposing should be done here.

Mr. STURDY: Last winter there would have been in the neighbourhood of 800 Metis people throughout the province employed in work and wage programs of various sorts.

Mr. STEFANSON: The reason I ask this is that they are the responsibility of the province, and I am wondering whether or not you had experimented along those lines?

Mr. WOOLLAM: Our chief experiment would be the Green lake project. This project alone, over several years, has given employment on an interim basis with some wage earning remuneration and training involving 800 Metis persons from this area of the province.

Mr. MCQUILLAN: What kind of work are they doing?

Mr. WOOLLAM: This is a farming project operated by the department of welfare and rehabilitation, and there are similar projects operating at Lebret and other centres.

Mr. STURDY: Actually there are four or five. There is one at Crooked lake, Willowbrook and Lebret; the large one is at Green lake.

Mr. MCQUILLAN: Is this an organized program, or are these men just working on ditching and so on?

Mr. STURDY: They are trained in the use of large equipment, land clearers and agricultural equipment of all kinds.

Mr. MCQUILLAN: Is there a special staff training them? Is a special effort made to train these men?

Mr. STURDY: There is a supervisional staff.

Mr. MCQUILLAN: They are not just working as labourers on what to all intents and purposes is a construction job.

Mr. WOOLLAM: It is a training orientation.

Mr. MCQUILLAN: You say you give them some wage remuneration. What is the rate that you would pay them?

Mr. STURDY: It would be very much better than relief. I could not tell you what it is; but it is much more attractive than relief payments. I cannot tell you, offhand, the rates.



The VICE-CHAIRMAN: This is during the apprenticeship, as it were—while they are being taught?

Mr. STURDY: Well, it continues throughout the development of any project.

Senator HORNER: With regard to what might be termed Metis, perhaps many are in need; but many of our best settlers in Saskatchewan all down through the years are what might be termed Metis. They are farming, stockmen, and so on. I used to think they were ideally suited for life in that part of the country. So it does not apply to all, that they are in need.

Mr. STURDY: May I say that in addition to your remarks, Senator, the Metis people have played a very important role in the development of Saskatchewan, and in present day Saskatchewan. You will find many of them in our civil service, in the professions, lawyers, teachers, nurses, and so on.

Senator HORNER: And also as stockmen.

Mr. STURDY: And also as stockmen. Our greatest difficulty with respect to the Metis in our province is in those communities which have developed on the periphery of a reservation—and we have had very considerable difficulty with them.

In other words, wherever there is a reservation, there is a contiguous Metis settlement or community that has provided us with a lot of problems; and those have not all been cleared up yet.

The VICE-CHAIRMAN: No. 3?

Senator FERGUSON: I suppose you have in mind something like what your government did on the subject of rights of women and children in Saskatchewan—  
—you have in mind a booklet like that?

Mr. STURDY: That is right. We have had that booklet for many years.

Senator FERGUSON: You mean something like that, for the Indian people?

Mr. STURDY: Specifically for the Indians.

Senator FERGUSON: Do you find there are a great many people interested in getting that booklet, the one you now have on women and children?

Mr. STURDY: Indeed there are. There are private agencies, church organizations, individuals, schools and women's councils: there is a great deal of interest.

Senator FERGUSON: This has nothing to do with Indians; but thank you, because I am writing one for the women and children of New Brunswick, and I was wondering if I was wasting my time.

Mr. STURDY: We have another document in which our people, particularly minority groups, are interested, and that is the Saskatchewan bill of rights. And it is certainly a matter of great interest to us that there is presently being considered in parliament a national bill of rights.

The VICE-CHAIRMAN: No. 4. We have had considerable discussion on this matter before, on previous occasions. Are there any further questions you would care to ask regarding No. 4, adopted children? If not, pages 83 and 84, housing.

Mr. WOOLLAM: Under section (a) of this recommendation, Mr. Chairman, it might be appropriate to point out differences here that are somewhat similar to the differences previously mentioned in the brief respecting the operation of sawmills by the province and by federal people for use of Indian and Metis people, in terms of our housing programs.

The Department of Natural Resources, Northern Affairs region, is starting this summer on a program to assist Metis people with a house-building project. Again, our philosophy of operation is different from that of the federal people; and, again, this would suggest that where neighbouring Metis and Indian communities are subject to different philosophy of operation in respect to house building, there is room for some joint consideration.



In the northern affairs region a number of carpenters are being employed to assist Metis people with construction of their own houses. To be eligible to have assistance under this plan, the Metis must produce \$500 cash of his own, which money is supplemented by provincial grants; and a house valued, materialwise, at about \$1,500, is constructed.

The emphasis here is different from that which at times we find in some of the agencies of the province. This (a) section of the recommendation would certainly try to emphasize the need for involving these Indian people more in the actual construction of their own homes. There are agencies in the province where this emphasis is placed; there are other agencies where the Indians have absolutely nothing to do with the building of a new home that will be personally given to them. Perhaps it will be allotted to them only after the house is constructed. We feel this does not put the emphasis on self-help that it ought to.

Senator HORNER: Has anyone here any knowledge of how the scheme is working out in Alberta? The Alberta government took a great number that congregated around the cities, were not properly housed or steadily employed, and they took in a great tract of land in northern Alberta.

I remember being on the train some years ago with the man who was supervising. They assisted them to start with stock, and farming, and broke up their land. He told me that some were doing wonderfully well.

I wonder if the Saskatchewan government has ever thought of a scheme of that kind.

Mr. WOOLLAM: I am not familiar with the Alberta situation; but I can indicate that we are working on projects of Metis house building commencing immediately. Perhaps, further to this section, I can say this: I know the feeling of some of the regional superintendents of the Indian affairs branch in the province, that there are programs of house construction on reserves that are continuing without sufficient community planning.

We have been talking to some of these agents about helping to plan towards bringing in telephones and power on to certain reserves. The difficulty is that much of the construction that has been carried out in the last few years has been carried out in the old way, where there was no long-range plan involved. A house was put here on the reserve, and another one might be a mile up the road, or up the moose trail on the other side. So it makes it very difficult to service these places with, perhaps, a grid road system: it makes it difficult to service them with telephones, with power, and sometimes even with water supply.

I know that some of the agents are most anxious that a kind of community planning should take place in respect to the reservation, that has not in the past taken place.

Mr. SMALL: I think we had that with the group that came in from either northern Quebec or part of northern Ontario, on this building. They soon got around to the complaint that they were helping them with the building, but the man that was sent to assist them, the tradesman, the carpenter—the qualified man—who was directing the building was getting more money. They got around very soon to the complaint that they were not getting as much money as he was, and they were working just as hard as him in building these places. He had been brought in from outside, and yet they were paying him more money; and these people wanted the same money that he was getting.

That is as it is today in the labour situation; the fellow that starts last in the department, and is working up, soon wants to get the same wages that the man at the top is getting.

We talked that question over, and they went a little further and said they would sooner have the log houses that had been abandoned than the shacks they were putting up for themselves. All through their argument there

was a similar thought: they were northern Indians, and did not rate the same intelligence as the southern Indians. But this is what we ran into.

Then another group came in from out west, and they were asking for the same thing: they wanted to have telephones, electric light and all the other conveniences. It was much the same situation when we got the hydro in Ontario. The only way they could advance the service of electricity to the farms was this: they had to get the municipalities that wanted the project to make it profitable before they would extend the advantages, and they had to wait a little longer to get it. It was only a dense population that would make it profitable.

The same thing applies to the telephone company; they will not put in services until they have enough people using them to make it profitable for them to run in the lines.

On the matter of building homes which are spread far apart—that is a natural tendency, to have a little exclusion from the rest of them. They want to be separated and have what you would call a little privacy, I suppose. They want to get far away; and that, of course, makes it difficult to run in these services.

But the thing that stood out all through the discussions here was that there has been a lack of supervision on the building of the houses. Nobody is inspecting them to see they are getting the houses built under the building regulations that will give them service in the future. They just want to put the house up, put a roof over it, and it is satisfactory, whether or not the house will fall down in a month or two months afterwards.

The provincial governments, the municipalities, and the Indian affairs branch are having a pretty difficult job. The Indian affairs branch does the best it can on it; but the municipalities and the provinces—the authorities that are nearby—have more responsibility in seeing that the houses are built properly.

MR. WOOLLAM: I think the province and the municipalities would like to feel that they had such a moral responsibility—at least, that they had some involvement in planning here at the level of grid roads and extension of services.

I think the committee understands that the province and the municipalities do not at present have these opportunities of becoming involved.

MR. SMALL: Do they not have a building code in Saskatchewan, a provincial code?

MR. WOOLLAM: Not such that is in effect on construction work on the reservation. One of the things that is very interesting about the building projects of Indian affairs in Saskatchewan is the way in which, in the last few years, most of them have involved—I had better be careful—many of them have involved, the construction of a small house with a full basement; but no arrangements whatsoever being made for basement heating. These places have been so cold that there have been many instances where Indian families, in the middle of winter, have abandoned their new house to go back to their own mud houses, perhaps without floors; but at least these are snug and warm.

Many of the superintendents who are administering these projects have shifted their plans. There is a move at File-Hills-Qu-Appelle agency this year to build more single-storey houses that are warmer. But, again, the feeling of another agency superintendent to whom I have spoken is that they have not the facilities to do this kind of community planning. Many of them are so pressured with the multitude of services that concern them that they cannot come to grips with these problems; and they feel the need for some direction policy, some professional assistance from Indian affairs, in these matters.

The VICE-CHAIRMAN: In referring to community planning, do you suggest they be put in villages instead of the houses being scattered all over the reserve?

Mr. WOOLLAM: Well, is this such an unusual suggestion? For instance, Mr. Jack Emms, the superintendent at Broadview, is working on this subject, with one or two of his band councils. At the moment they are working on this kind of planning.

Mr. Emms is one of the few superintendents in the province who has seen something of this need and has tried to work on this basis. I suggest that somebody should be thinking seriously about this as a more general possibility.

The VICE-CHAIRMAN: I can assure you that the department is; but they do not want to force the Indian people to live in villages, if they want to live on their own, individual property: that is the difficulty.

Mr. STURDY: This would be obviated if they introduced cooperative farming; and it would make power and light, and many of the amenities of modern living, available to them.

The whole tendency in our province, as far as agriculture is concerned, has been for farmers to locate in communities, where they can enjoy the amenities of modern life.

Mr. WOOLLAM: This need have no effect on personal holdings within a reservation. This is the presupposition upon which Mr. Emms is doing his planning.

Mr. SMALL: You mentioned something about houses that were built and where they had not put in a basement. If you recollect, all the wartime housing that was built by the municipalities, or by the housing agencies, none of them had any basements in them, and they were built—

Mr. WOOLLAM: My point, sir, was that houses had been built with basements; but no provision for central heating had been made, so that they were uncomfortable in the winter, from the Indians' point of view.

These projects have pretty well been abandoned now for single-storey houses.

Mr. SMALL: That is the same as these houses just built on the ground. They had suitable foundations, and there was provision made for a basement: those who wanted them in, had to put them in the house. But they did have good housing—not necessarily heating; but they could heat it from the ground floor.

Mr. WOOLLAM: If I may, I would revert to the chairman's point. I think on many reservations—for instance, the Poorman's reserve—one of the big deterrents to regular school attendance is the distance these children have to go from their homes to the school, the kind of roads that are there, and the lack of transportation facilities that exist there.

I think that certainly future planning for house construction should seriously consider the erection of residence "communities" on the reserves.

The VICE-CHAIRMAN: As I said, the department officials have tried to do that. But we do not want the Indians to feel that we are trying to force them into communities, if they do not want them.

Mr. WOOLLAM: Speaking realistically—and I cannot say this strongly enough—there are many, many instances throughout the province of construction programs going on at the moment where band councils have not been consulted as to where these houses should be placed.

Senator HORNER: I would think that rather strange.

Mr. WOOLLAM: I think Senator Gladstone would probably verify this, in terms of Alberta.



The JOINT CHAIRMAN (*Senator Gladstone*): That is right. Band councils have not had much experience in this. They are inexperienced, and when a suggestion is made to them, they invariably say yes; when, with a little more consideration, they could have changed the whole thing.

Mr. WOOLLAM: The policy throughout Saskatchewan in this regard, generally, is that the band councils are asked to ratify plans made in the agent's office. In spite of the theory, this is what takes place.

Senator HORNER: They are asked to ratify those plans; but if they refuse to ratify them, then what happens?

Mr. WOOLLAM: There would be three cheers for the band council. If they refused to ratify any program which was handed to them for the purpose of being rubber-stamped, I think it would be greeted by the Indian affairs people, and greeted by all of us, as good news, in so far as a sense of self-consciousness and self-determination would be evidenced as having arisen in this particular band.

Mr. STEFANSON: I do not think it is a matter of rubber stamping the plans. I understood the senator's question to mean that they did not have experience, and that is the reason. If there are any mistakes, it is because they lack experience.

Mr. WOOLLAM: I suggest that they cannot have this experience until they are given the responsibility to make these basic decisions; yet in fact they are not being given this responsibility on the majority of reserves in the province.

Mr. SMALL: You were talking about building houses in a village. Is it not natural for the Indians to build their houses in the form of a village? Because when they used to pitch their tents on the plains they always did it in a village-like form?

The JOINT CHAIRMAN (*Senator Gladstone*): They built their villages on my reserves close to the day schools without thinking of all the consequences of doing so. They should have built them close to the farms, from which the Indians could go to the highway, on good roads, and go to school. Because otherwise, after school, the children would run at large and get into mischief and all that; whereas, if they built their houses near their farm homes, from which the children could be taken by van to school, then the parents would be able to have more control over them.

Mr. SMALL: I would like to follow up the suggestion made here which I think is very good, about the Indians having the right to make decisions. That suggestion has been made here time and time again, namely, that the Indians want to be able to make these decisions. They want to make them and thereby gain experience; they want to have the right to administer themselves, and to make mistakes, should it be necessary, in order to gain experience.

In the house last night we had a discussion with the Minister of Immigration and Colonization, who is in charge of Indian Affairs, when there was quite a cross-examination about an affair which happened at a certain reserve out there, where they started to sell some property to the hydro commission of Ontario.

The commission wanted to acquire certain property on an Indian reserve, but some other outside agency came in and told the Indians that if they sold that property, they would not be able to sell the land which was left, because there would be no value for it.

So they got the council to contradict them, and they made a much better deal with the outside agency. There was a little difficulty afterwards when the argument was that the Indians had not been given an opportunity by the band to make their own agreement, and that it was completed by some



direct deal which was carried on; and there was this difference between what the commission would pay, and what they got from the outside corporation.

All the minister and the department could do was to try to supervise them and steer them in the right direction. That was as far as they could go. They were berated last night continuously because they did not step in and take this thing out of the Indians' hands, because they said that the Indians were getting "done". But it was only because they were running this thing themselves and in their own way; and in doing so, it was feared that they would get trimmed. But so far they have not, and the question of whether they will go through with the sale seems likely.

Mr. WOOLLAM: Sometimes we have to be trimmed once or twice before we learn how to protect ourselves.

Mr. SMALL: Here was a case where they had an opportunity to run their own affairs. But at the present time they are making a song and dance out of it.

Mr. HENDERSON: I do not know if we are going backward or forward with these Indian villages. Where I come from, in the Cariboods, the Indians have met with opposition every time they try to build a little settlement and to move in close to a village.

When they do that, we get letters from the villagers not to let them come in, and that they do not want them there. The last one was at Lower Post, where there are a lot of children going to the residential school; but the people claim that it will ruin their town, if they allow those Indians to come in there to build. So I do not know if we are going backwards or forwards.

The VICE-CHAIRMAN: Are there any more questions on housing?

I think probably one point which should be cleared up is that in this housing program carried on by the federal government, the bands are always consulted, because they probably have some money invested in those houses, and therefore they are the ones who will say who is to get the welfare house, as a rule.

Mr. WOOLLAM: That may be the rule; but in practice, with the majority of bands in Saskatchewan, the band council does not say who is to get the new house. I think investigation would bear this out. This is one of the big complaints of the federation of Saskatchewan Indians in their brief. And repeatedly we hear those complaints across the province.

Mr. MCQUILLAN: I wonder why the Indians of Saskatchewan should suffer more discrimination than other Indians? I wonder if they have not advanced as much as other Indians in Canada, and if so, why? I thought that Saskatchewan was a fairly advanced province.

Mr. WOOLLAM: I do not know what province you are from, but in my experience on a British Columbia reserve, where I learned to speak a little of the language of the people from the Skeena, I found the situation there was no different. The problem at the time of my residence on the reserve was as to who should move into the new department house, and that it was determined in the office of the Indian agent.

We may be pretty backward in Saskatchewan but I think we would compare favourably with others.

Mr. MCQUILLAN: I do not think it compares with most of British Columbia. I know the Indian people very well, and I can say without hesitation that it does not apply to almost all of them, I think.

Mr. WOOLLAM: Perhaps Senator Gladstone might comment on the disposition of new houses to the bands in Alberta.

The JOINT CHAIRMAN (*Senator Gladstone*): It is a new thing, and I think as time goes on they will be able to cope with it. But in the last few years they did not have much say. It was left to the superintendent to make the choice and sometimes the superintendent was not always right. I think I might go further and say that since the Indian superintendents have left the reserves and moved into the towns, they seem to have forgotten their children. There are things that they used to do, such as to go around and see where best a person should build, or what to do around his home or farm; but when they were removed from the reserve to the town, they left it to others—either to the Indian himself, or to a lesser official, to do this work.

Mr. WOOLLAM: This is very much our concern, namely, that the view of all this is an administrative view rather than a community development view.

The JOINT CHAIRMAN (*Senator Gladstone*): I think it is obvious. I think the Indian agent should come around and suggest that a man do this or do that—not force it, but arrange it by agreement; and should the Indian find that he was not in agreement, well, the agent invariably would do what the Indian wanted.

The VICE-CHAIRMAN: Are there any further questions on housing?

Mr. WOOLLAM: I think that the argument in section (b) here is pretty self evident; and from perusing through pages 81 to 83 of our brief, we have no comment to make other than to make reference to those pages.

The VICE-CHAIRMAN: We have had considerable discussion before on these points.

Senator HORNER: In so far as the supplying of power is concerned by the government of the province, each one who receives that power pays for it; and not only that, he pays for the poles—such as were put through my farm going to the reserve.

Yet the government is building a glorified structure to cost \$8 million, at Regina. Might I suggest that some of that money might better be spent to pay for Indian power lines going to the reserves, rather than to be spent in putting up a glorified mansion in Regina.

The VICE-CHAIRMAN: Page 88?

Mr. STURDY: In respect to sections 7 and 8 of the brief, section 8 deals with a summary of conclusions.

The VICE-CHAIRMAN: What page is that?

Mr. STURDY: I refer to page 88.

The VICE-CHAIRMAN: There is no section 7 or section 8 in my brief. It just goes to four.

Mr. STURDY: I am dealing with section 7 "Indian Affairs Policy and the administration of services" on page 85.

The VICE-CHAIRMAN: Oh, I see.

Mr. STURDY: This matter has been dealt with fairly extensively during our discussion over the past two days, and I do not think any useful purpose would be served by developing it further, unless there are some specific questions which the committee might care to ask.

The VICE-CHAIRMAN: That is right.

Mr. STURDY: So if you agree, I would suggest that our presentation now stand.

The VICE-CHAIRMAN: Well, you still have your summary of conclusions on page 89. Do you wish to comment on them?

Mr. STURDY: No, I do not.

The VICE-CHAIRMAN: Are there any further questions on page 88 or page 89? Page 89 is a summary of the conclusions of the brief.

Mr. WOOLLAM: I have just one comment. In the first recommendation on page 88 the suggestion has been made from time to time that the most useful addition, staff-wise, to the regional staff in the province, might be to put a placement officer in each agency of the province.

At present there are nine agencies in the province, and certainly the quantity of work that we have seen these placement officers doing to implement this off-reserve movement would indicate that such a person, relief-wise alone, acting through relief payments alone, would certainly have no difficulty in paying his way in any given year.

I think this suggestion might be considered to be appropriate to this first recommendation.

The VICE-CHAIRMAN: I think the department is going ahead with this as fast as they feel that they can. In fact, I believe I could say that they will be going ahead with it more rapidly as time goes on.

Mr. WOOLLAM: For instance, where you have some agencies which are paying out as much as \$200,000 a year in relief payments, it seems to me that this is a very reasonable suggestion.

The VICE-CHAIRMAN: Yes. It is being given very careful consideration. I can assure you of that.

Mr. SMALL: There is one thing that stands out in this, and it is that on the reservation where there is a building program going on, and where they are complaining about the class of houses.

I consider the band council to be the equivalent of a town council, and I suggest that they ought to have an inspection made of the houses. In a municipality a building inspector does nothing else, because he has enough to do. But it is obvious that they will not have that much building on a reserve or reservation. Surely somewhere along the line there is a man who is qualified and who knows building. Such a man could act as an inspector.

I do not know if the two duties could be made to go along together, or if it is asking too much that the man who looks after the welfare should also take on the duties of a building inspector, to see that the buildings will stand up.

Mr. WRATTEN: If they are putting up houses for \$1500, there does not need to be too much inspection.

Mr. SMALL: He should see if they are fireproof, and will stand up, and see if the proper material is put in, and see that they are using the proper mortar, cement, and so on, and that they are of standard grade.

Mr. WRATTEN: There are not very many brick houses being built for \$1500.

The VICE-CHAIRMAN: I do not think they are putting up many houses at \$1500.

Mr. SMALL: It does not matter what kind of a house it is you are putting up. There should be inspectors somewhere in the municipality to see that they are observing the proper conditions.

Senator HORNER: The best house I ever had was on my homestead, and it cost only \$35. Canada was supposed to be a cold country, yet in the middle of January I slept in that house without any fire ever being in the house.

Mr. STEFANSON: You were a lot tougher in those days than you are now, Senator Horner.



Mr. McQUILLAN: In all these briefs, or in a great number of them, much stress has been laid on what you might term the integration of Indians, or the encouragement of Indians to leave the reserves, and the provision of placement officers and other such things.

On the other hand, the remainder of the briefs have been devoted to building up small communities on reserves, and in some cases without any consideration to the economics required to support a community on that reserve.

I wonder if these gentlemen could say which policy they think should be followed. You cannot have a contradictory policy.

Mr. WOOLLAM: Mr. McQuillan has touched on the essential policy conflict in regard to Indian affairs in both Canada and the United States.

On the one hand, we could proceed on the assumption that sooner or later Indian communities will die out. Our policies are then suited to the needs of *individual* Indians.

Or we might assume that their elimination as an ethnic minority group is not predictable—in which case we would treat them as members of communities, having community traditions.

I think the answer must be that there is validity in both of these approaches. Let us be flexible in the methods that we apply to the problem.

When I began to teach at an Indian day school, about 15 years ago, it was even then assumed that the Indian was dying out, and that we would soon reach the time when it was just a matter of waiting him out, till the time he would socially disappear. However, at the moment I think nobody reasonably makes that assumption. I think we anticipate that the Indian will continue to take his place as a minority, ethnic group in Canada, the same as the French citizen will continue to take his place in that regard.

Anthropologists who have given this matter a great deal of thought no longer are deluding themselves that the Indian community will disappear. They say that the chances are that it will be with us a thousand years hence. Therefore any realistic program must take both the individual factor as well as the community factor into its shaping. This dichotomy of policy would seem to commend itself.

I am very glad this point came up, because it was mentioned at the Kingston conference, where a number of very noted anthropologists concurred in these generalizations.

Mr. McQUILLAN: Do you not think that there is danger of one policy defeating the other? Which do you think would be the more desirable policy?

Mr. WOOLLAM: Certainly many embarrassing questions are suggested by this, as to whether, for instance, it is wise to drain off certain of the people who are ready for integration, from the needs of the community itself. That question is fraught with difficulty, and I think we must have a dichotomous approach to the problem. I do not think that a single policy is adequate.

Mr. STURDY: May I say that to my mind there is here the same situation as existed in pioneer Ontario, where I was born and brought up. The farm where I was born only supported one member of the family. He inherited the farm as well as the mortgage that was on it, and he remained on the farm.

The rest of the male and female members of the farm family moved into the professions, and into the urban communities. And that went on, and I suppose it still continues to go on in the rural areas of Canada today.

I can see very little difference between that situation, and the situation on the reserve. The reserve will support only a limited number. I think that Senator Gladstone will agree with me that it will only support a limited number of Indian families, and that the balance, the remainder, which will



constitute the larger proportion, will have to move into urban life, into the professions, and into the general society of the province, and of the nation.

I am sure that I have heard Senator Gladstone make this statement at the conference of Saskatchewan Indians in our province, when he said that of the members of his own family, only one or two have remained on the reservation farm, and that the balance are to be found in the general society of the nation, and that even some of the members of his family are outside the nation.

However, they do like to return to the farm, to their parental home, and they like to feel, no doubt, that they do have the right to return there. Yet they recognize—as many of the Indian families recognize—that the great majority of their children must find employment, and must find a life outside the reservation.

The JOINT CHAIRMAN (*Senator Gladstone*): You are quite right. I think it is only natural that, as you say, as time goes on, and as life outside the reserve attracts a person, that is where he should go. But these people would be like my children who are away from home; they are not cast-offs. And I think that is bound to happen, according to the laws governing it. And if we want to increase, we will have to give up all these little things.

Mr. MCQUILLAN: I think there is a difference here. Mr. Sturdy was speaking about his own family farm experience, but in that case there was no suggestion that the government should spend a lot of money to maintain that family on the farm. In this case, we are being asked over and over again to recommend that the government should spend tremendous sums of money to establish communities on many of these reservations, and even to extend the reservations in size and in numbers; then, on the other hand, the recommendations all lead toward movement away from the reservations. This is not so simple to solve. You can say there should be two policies, but to make the two policies work is easier to say than to do. I think that is one of the biggest problems, in my opinion, with which we, as a committee, are faced.

Mr. WOOLLAM: In the past, the policy has been to keep these people on the reserves, and to provide reserve subsidies.

We are suggesting that there is room for a more off-the-reserve subsidization. We see to create a larger policy, which has a double emphasis.

Mr. MCQUILLAN: You speak about the past; how far in the past are you speaking?

Mr. WOOLLAM: From yesterday back to the signing of the treaties.

Mr. MCQUILLAN: Well, I disagree with you, because the policy, for some years now, has definitely been, in many areas, in the other direction.

Mr. STURDY: There has been very little money expended from federal sources in assisting Indians off the reserves. Off the reserves, they are cut off completely in a year, outside of education. Now, let us make that clear.

Mr. SMALL: Mr. Woollam made a statement that ties it in, so far as the policy is concerned. As he said, it was not so long ago the idea existed that the Indian was vanishing. You can remember the picture yourself. It was not a case of the vanishing American, but the vanishing Indian—and the Indian was going to be out of the picture in a very few short years. However, by reading the annual reports, you will note there is an increase of 3 per cent in the Indian population every year. The situation has changed, because of health conditions, new drugs and so on. It has reversed now. Instead of diminishing, they are increasing. The policy was to look after those who remained on the reserve, and to give them everything that was needed. It now turns out that we have to look after the ones who are leaving the reserve, because their numbers are increasing. Instead of diminishing, they are increasing, and there is going to be a problem if it keeps on going the way it is.

Senator HORNER: Before we get too far away from the subject, I would like to object to the statement made, that it was the thought, at one time, that the Indians would die off, and that would settle the problem. I would like to object as strenuously as I can to that. All the evidence over the years has indicated that churches, missionaries and the federal government have endeavoured to do what they can. I do not think that statement should be allowed to go unchallenged.

Mr. WOOLLAM: The senator would find that certain of the statements in the Indian affairs annual report of 10, 15 or 20 years ago, indicated quite clearly that this expectation was present. Total integration was the principal expectation upon which their program rested.

Senator HORNER: Yes, the word "integration" is all right; but not "dying off".

Mr. WOOLLAM: I meant "dying off" culturally. †

Senator HORNER: You should have said so.

Mr. WOOLLAM: I assumed it was understood.

Mr. STURDY: Let us face the historical reality. When the white man came to this country, there were 200,000 or more Indians. Over the years, that figure was reduced to less than 100,000—to 90,000.

The VICE-CHAIRMAN: It was never less than 100,000.

Senator HORNER: It was never less than 125,000.

Mr. STURDY: Well, that is according to the historical information I have. All right, reduce it to 100,000.

Senator HORNER: Not 100,000.

Mr. STURDY: You may be a better historian than I am, and your research may be well founded. However, my information is 90,000. It is now 173,000 and, in so far as the Saskatchewan Indians are concerned, they have increased by 37.6 per cent during the past 10 years. So, no longer will the reservation support the Indian population, and this is the fact to which we have to face up.

I hope this brief, if it does nothing else, will point out two things—the desirability of integration, and federal, provincial and municipal assistance to make integration possible and as less painful to the Indian as possible; secondly, to develop and to utilize the Indian reservations in the best possible manner, so that they will provide as high a standard of living and as great a degree of security as possible for those who remain on the reservations.

That, I think, is the whole tenor of our brief.

Mr. HENDERSON: The thing that has always puzzled me—and I am not young anymore; and I have given it lots of thought—I was born in western Canada, and knew the Indians. I knew Senator Gladstone years and years ago, and I knew his wife after. What I cannot figure out is this. The Chinese intermarry in the town we live in. A Chinese will marry a white girl; they have a family and, in two or three turns, they are integrated. That is the thing I cannot figure out.

Yesterday, there was a young fellow here in the parliament buildings. He is a professor. He married a girl whose mother was English and her father was a Chinese. However, they are integrated.

Mr. WOOLLAM: May I suggest that Canadian legislation did not put the Chinese people on the reservations, and hedge them about with legal limitations which prevented integration taking place.

Mr. HENDERSON: But here is the other side of it. The Chinese landed, and did not get any help at all. He came into town, started a restaurant, or whatever it was—and he integrated into society, and his family as well.

Senator HORNER: Of course, his slightly different mode of living might account for that. You have to take into consideration the Indians fondness for hunting, trapping, and that sort of thing.

Mr. HENDERSON: Someone said the Indian likes to ride a horse, and live. I do not blame him; I would like to ride a horse, and live—if I could eat.

The JOINT CHAIRMAN (*Senator Gladstone*): The Chinese were supposed to be the first civilization in the world. How long has the Indian been classified as being civilized?

Mr. SMALL: That is one for the anthropologists—to say whether the Indian and Chinese were the same people.

Mr. MCQUILLAN: In regard to the remark about legislation and the Indian reservation, do you not accept the fact that if that had not been done in western Canada there would be no Indians there today?

In some areas of Canada, it was not done, and they killed them off. They murdered them. I am not going to name any particular province, but that occurred.

With all the mistakes of the reservation policy, there has been some good come out of it inasmuch as it has managed to preserve a nucleus of what we hope to be a strong race. So, in some respects, perhaps the reservation program has been inadequate, but it has served some useful purposes in its time—and I do not think we should criticize that.

The VICE-CHAIRMAN: Most certainly—and at the request of the Indian himself.

Mr. STURDY: Yes.

Mr. SMALL: In following up the question concerning the Chinese arriving here, I would like to say that when a Chinese, Greek or Italian come in, they come into one class of business. The Chinese will go into the laundry business; the Greek into the restaurant business, and the Italian comes out—and talk about a reservation!—they do not have a reservation but they all live as though they were on a reserve. They go into groups. It is a much different story when they all work and help one another out. They do not ask for any outside assistance.

The Chinese group themselves into an organization called the Tong. They work together in any endeavour they undertake. One lends materially and financially to the other, and when things are going all right, the other one moves off. The same applies to the Greek and the Italian. They congregate in groups, work together, and finally improve their situation in life. They do not ask for any assistance or welfare.

Mr. WOOLLAM: Mr. Sturdy has a few concluding remarks to our brief.

The VICE-CHAIRMAN: Are there any further questions? If not, would you proceed, Mr. Sturdy.

Mr. STURDY: Mr. Chairman, and honourable members of the committee; may I thank you, Mr. Chairman, and Senator Gladstone for the fair and efficient manner in which you have presided over these hearings. May I also thank the members of the committee for the penetrating interest you have taken in the Saskatchewan government brief, and for your courtesy throughout our presentation.

Now, however beneficial the exchange of ideas and opinions may have been during the hearings, the brief itself must stand as the summary of findings and recommendations of the Saskatchewan government, after our careful study and revision of it.

In conclusion, I should like to emphasize the importance we attach to a policy, which will lead as rapidly as possible to complete educational integra-



tion necessary when the Indian child enters public school, and continuing throughout his education and training. We emphasize, also, the need for integrated health and welfare services.

I am sure that a planned and scheduled series of conferences between the federal and provincial authorities could lead to a satisfactory *modus operandi* and financial agreement. We are convinced that if significant advancements of our Indian citizens are to be achieved in the near future, there must be greater participation by provinces, municipalities and band councils themselves, in matters pertaining to Indian affairs.

Please be assured that the Saskatchewan government will cooperate in every way. It may be advisable, and necessary, for the federal government to initiate negotiations, and enter into agreements with individual provinces, as they indicate their deep concern for our native people, and as they indicate their willingness to cooperate. To obviate government paternalism, of which we have heard a great deal during this hearing, and to encourage self-determination and responsibility on the part of the Indians, to which we have given lip service, there must be a new philosophy embodied in the new Indian Act. This philosophy must make it possible for the Indian to occupy his rightful place as a fully participating and responsible Canadian citizen.

Thank you Mr. Chairman, and members of the committee.

The VICE-CHAIRMAN: Thank you, Mr. Sturdy and Mr. Woollam. We do appreciate the time and effort that the government of Saskatchewan has put in the preparation of this brief.

I can assure you, sir, that this committee will go into it very thoroughly. We appreciate your recommendations and ideas; they will be given every consideration by the committee.

Of course, I hope you realize the responsibility which is upon us, as a committee. We have your brief, along with many, many others, and we have to give everyone the consideration and study they deserve.

MR. WOOLLAM: For the purpose of the record, may we change the references to the brief's recommendations by numbering them chronologically, and changing the committee references to the brief to conform with the revised chronological numbering of the recommendations?

The VICE-CHAIRMAN: I am afraid that cannot be done.

MR. WOOLLAM: I would be prepared to make these changes, sir. It would be of much assistance to the Indian people in Saskatchewan, who are interested in following through our discussions. However, if it is not possible, that is fine.

The VICE-CHAIRMAN: I am afraid it would make it very difficult for the reporting and printing staff. It has never been done before, and I would hate to say that it could be done now. If we did this, it would set a precedent for further changing of the record. I am sure you appreciate the position we are in, and I am sorry to advise you that this would be impossible to do. It will have to appear on the record just as your brief has been read, and so on.

Ladies and gentlemen, before adjourning, I would like to say that next Wednesday, June 22, the Six Nations Confederacy will be here. I assume the meeting will be in this same room, at 9.30.

On June 23, the Union of Ontario Indians will be here.

I would sincerely suggest, ladies and gentlemen, that you bring the briefs with you because, in ordinary circumstances, we run short and do not have sufficient copies to go around.





Third Session—Twenty-fourth Parliament

1960



Joint Committee of the Senate and the House of Commons

on

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone

and

Mr. Noël Dorion, M.P.

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 13

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WEDNESDAY, JUNE 22, 1960

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WITNESSES:

*From the Six Nations Confederacy:* Mr. Arthur Anderson, Secretary; Mr. William Smith, Assistant Secretary; Chief Emerson Hill; Chief Joseph Logan; Mrs. Murray Jamieson; Mr. Erwin Logan; Mr. Ivan Burnham; and Mrs. Verna Logan.

*From the Department of Citizenship and Immigration:* Mr. H. M. Jones, Director of the Indian Affairs Branch.

MEMBERS OF THE COMMITTEE  
FOR THE SENATE

Hon. James Gladstone, <i>Joint Chairman,</i>	Hon. F. E. Inman,
Hon. W. A. Boucher,	Hon. J. J. MacDonald,
Hon. D. A. Croll,	Hon. I. Méthot,
Hon. V. Dupuis,	Hon. S. J. Smith ( <i>Kamloops</i> ),
Hon. M. M. Fergusson,	Hon. J. W. Stambaugh,
Hon. R. B. Horner,	Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, <i>Joint Chairman,</i>	Mr. S. J. Korchinski,
Mr. H. Badanai,	Mr. R. Leduc,
Mr. G. W. Baldwin,	Mr. J. C. MacRae,
Mr. M. E. Barrington,	Mr. J. J. Martel,
Mr. A. Cadieu,	Mr. H. C. McQuillan,
Mr. J. A. Charlton,	Mr. H. J. Michaud,
Mr. F. G. Fane,	Hon. J. W. Pickersgill,
Mr. D. R. Gundlock,	Mr. A. E. Robinson,
Mr. M. A. Hardie,	Mr. R. H. Small,
Mr. W. C. Henderson,	Mr. E. Stefanson,
Mr. F. Howard,	Mr. W. H. A. Thomas,
Mr. W. H. Jorgenson,	Mr. J. Wratten—24

Quorum—9

M. Slack,  
Clerk of the Committee.

## MINUTES OF PROCEEDINGS

WEDNESDAY, June 22, 1960.

(35)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day with the Joint Chairman, Honourable Senator James Gladstone, and the Vice-Chairman, Mr. John Charlton, presiding.

*Present:*

*The Senate:* Honourable Senators Boucher, Fergusson, Gladstone, Horner, Inman and MacDonald.

*The House of Commons:* Messrs. Badanai, Charlton, Henderson, Korchinski, Small, Stefanson and Thomas.

*In attendance: From the Six Nations Confederacy:* Mr. Arthur Anderson, Secretary; Mr. William Smith, Assistant Secretary; Chief Emerson Hill; Chief Joseph Logan; Mrs. Murray Jamieson; Mr. Ervin Logan; Mr. Ivan Burnham; and Mrs. Verna Logan. *From the Department of Citizenship and Immigration:* Mr. H. M. Jones, Director of the Indian Affairs Branch; and Mr. C. I. Fairholm, Assistant to the Director. *From the Department of National Health and Welfare:* Dr. P. E. Moore, Director, Indian and Northern Health Services.

The Chairman introduced Messrs. Anderson, Smith and Chief Hill to the members of the Committee.

Messrs. Anderson and Smith and Chief Hill made brief statements dealing with the history of the Six Nations Confederacy and referred to their rights under the Indian Treaties, and were questioned thereon, assisted by Chief Joseph Logan and Mrs. Jamieson.

At 11.00 a.m., the Committee adjourned until 2.30 p.m. this day.

## AFTERNOON SITTING

(36)

The Committee resumed at 2.30 p.m., the Joint Chairman, Honourable Senator James Gladstone, and the Vice-Chairman, Mr. John Charlton, presided.

*Present:*

*The Senate:* Honourable Senators Boucher, Fergusson, Gladstone, Horner, Inman and MacDonald.

*The House of Commons:* Messrs. Cadieu, Charlton, Fane, Henderson, Small, Stefanson and Wratten.

*In attendance:* Same as at morning sitting with the exception of Dr. Moore.

The Committee resumed the questioning of the representatives from the Six Nations Confederacy. Among other matters dealt with were the election and removal of hereditary chiefs, Indian Treaties, Indian Act, child welfare, Indian estates and loan funds.



Mr. Jones, Director of the Indian Affairs Branch, tabled the following documents:

1. Copy of judgment of Mr. Justice King in case of Verna Logan *vs.* Clifford E. Styre, R. J. Stallwood and The Attorney General of Canada with respect to The Six Nations Reserve. (*Identified as Exhibit No. 11*);
2. The Haldimand Grant (*Identified as Exhibit No. 12*);
3. The Simcoe Deed (*Identified as Exhibit No. 13*).

*Agreed*—That a document submitted by the Six Nations Confederacy entitled “The Status of the Six Nations in Canada—their status based on history” be printed as an appendix to this day’s evidence. (*See Appendix M-1*).

The questioning being concluded, the Vice-Chairman commended the representatives of the Six Nations Confederacy for their submission.

At 5.20 p.m., the Committee adjourned until 9.30 a.m. Thursday, June 23.

M. Slack,  
*Clerk of the Committee.*

## EVIDENCE

WEDNESDAY, June 22, 1960.

The VICE-CHAIRMAN: Ladies and gentlemen, we have a quorum. I would ask you to come to order.

We have with us this morning the Six Nations confederacy, which is represented by various bands. I understand there are some here from the Caughnawagas and some from St. Regis. However, the majority are from the Six Nations.

I have pleasure in introducing the three delegates. On my right is Mr. Arthur Anderson, the secretary of the Six Nations confederacy; Mr. William Smith, the assistant secretary; and Chief Emerson Hill, Mohawk chief, Wolf clan, Six Nations confederacy.

I understand, Mr. Smith, that you are going to be the spokesman for the group?

Mr. WILLIAM SMITH (*Assistant Secretary, Six Nations Confederacy*): Yes.

The VICE-CHAIRMAN: I would ask that you now proceed with your brief.

Mr. SMITH: Mr. Chairman, and members of the Indian committee; first of all, I want to thank you for giving the Six Nations an opportunity to be heard. We have been here on several previous occasions. However, although we have not accomplished too much on any of these previous occasions, there is always hope and faith that we can accomplish something by these meetings. On behalf of the Six Nations, the Caughnawagas and St. Regis, I want to thank the committee for this opportunity.

First of all, I want to outline a short story of the Six Nations confederacy. You will remember that we had an outline of the historical connections—the important historical connections—which were given before this committee a year ago by Mrs. Worthington. That was a brilliant outline of the history of the Six Nations.

Long before the coming of any Europeans to this country, the Indians organized a confederacy into a sovereign government—and that is the Six Nations confederacy. They learned the art of making peace between warring nations, and I think this is a good lesson for the present day world to take—how the Indians could create peace among warring factions.

The results of peace and friendship have existed for a good many centuries. At the coming of the European, the Indians welcomed him in a friendly way, and gave him a place to live. However, after a period of years, things changed considerably, and we now come to the point where the Indian is asking the European, in sort of a beggarly fashion perhaps, for the same things that we extended to the Europeans in centuries gone by. However, you have had all this history outlined to you by Mrs. Worthington—how the Indians were allies of the British in the early wars, in the American revolution and, as a result, they were given a tract of land along the Grand river, called the Haldimand deed in 1784. Now, this was a tract of land, from the mouth of the Grand river to its source, with six miles on each side of the river. At the present time, all they have left of that is less than 50,000 acres out of well over one million acres.

In the first place, they worked with a colonial department in a friendly and cooperative fashion, to the mutual benefit of both sides. Then, later, on the birth of Canada and the development of the Indian department, they originated what they called the Indian Act—and that is what we are here for today. We are here to put the last touch on this Indian Act.

This policy was set out about 85 or 90 years ago to the Indians. From the inception of this act, the Six Nations have found this act unacceptable to them. Although they have cooperated in a friendly manner, they have never accepted it fully as binding on them, in any way. But, in 1924, the government forcibly changed the system of our council from the chiefs to the so-called elective council—and this has never been acceptable to the Six Nations. For over 35 years now, we have been under this elective council. New members here recently had Colonel Jones from the Indian department outline the position of the elective councils of Indian bands—that they were not legal entities. Now, that is something that the Six Nation people disapprove of very highly, because they were reduced from a sovereign state, by force, to accept this elective council, without a legal entity. I could say more as time goes on but I think we should hear a word from these other speakers.

I have just outlined briefly, and touched on, the main points in regard to this Indian question. I have said first of all that the Indians came into this Six Nations confederacy as allies of the British people and the crown, and have accepted this tract of land under this treaty of protection which was to last forever.

If we accept this Indian act it will do away with the power of these treaties, and that is the one thing the Indians are very much concerned about.

There was a revision of this Indian Act eight or nine years ago. Since that time we have derived two things from it. The Indian has derived the privilege to consume liquor, and he has derived also the privilege to vote. It is hard to tell which is the greater evil.

This Indian Act is a very serious thing to the Six Nations confederacy. This committee is putting on the last phase of the policy that was originated 85 or 90 years ago.

The aim of that policy was to absorb the Indian into the citizenship of this nation. The Indian is desirous of remaining and retaining his Indian identity. This applies to the Six Nations confederacy particularly. They are very proud of their history and very serious about their confederacy, which they want preserved. They intend to preserve and uphold the Six Nations confederacy. They never will accept the changes that were made in 1924, such as the elective system in the Six Nations confederacy.

I believe that some of these other speakers here wish to talk to you briefly in respect of treaties and one or two other matters. I would sooner say a few words later on in regard to other subjects. We have several other speakers here who will outline the different phases of the Six Nations confederacy. Would that be all right, Mr. Chairman?

The VICE-CHAIRMAN: Yes. Thank you very much Mr. Smith.

Mr. SMITH: Chief Emerson Hill will speak first.

The VICE-CHAIRMAN: Thank you. You do not need to stand up if you do not want to, Chief Hill.

Chief EMERSON HILL (*Mohawk Chief, Wolf Clan, Six Nations Confederacy*): Members of the joint committee, we were here last year and we were promised at that time an opportunity of returning. We are now here.

I would like, Mr. Chairman, to carry on, or cut in from where Bill Smith ended in respect of our history.

I was wondering if any of the members here were acquainted with our treaties in any way. Are they acquainted with our status?

The VICE-CHAIRMAN: All the members have copies of all the treaties.

Chief HILL: They do have copies?

The VICE-CHAIRMAN: Yes.

Chief HILL: Mr. Diefenbaker promised the Indians across the country that there would be no violation of the treaties, in the event that they accepted the vote. Of course, it was a verbal promise.

I do not know whether Mr. Diefenbaker is acquainted with our treaties in their entirety, or not, and our history from the beginning, but when a man says he is going to live up to these treaties there should be no further violations. The fact that there was a change in 1924 shows that there has been a direct violation of the treaties.

We understand the provincial part of the law. We study these things. We understand a treaty is not transferable. You cannot transfer a treaty to another government or to another nation. Is that not correct?

The VICE-CHAIRMAN: Not being a lawyer, I would not want to say, Chief.

Chief HILL: A violation of one article in a treaty is a violation of the whole treaty, as we have read the law.

If you consider the treaty of alliance between the Six Nations and the British government you will see that we have been put under the protection of the British crown and no one else. Our affairs were put into the hands of the British government, but just the affairs and nothing else. This did not give the government the right to legislate or make laws for us in any way.

We have our history here. It is a documentary history gathered from the archives throughout the country. We did not write these volumes.

The violation of a treaty is causing wars today throughout the world. Our treaties were made with a Christian civilized nation, and we expect human dignity, and respect for these treaties.

We also have treaties with the United States, including the Fort Stanwix treaty and the Canandaigua treaty.

Civilization is losing face throughout the world because of the disregard of sacred treaties. These treaties were made by our forefathers and were to last as long as the grass grows and the sun shines.

The VICE-CHAIRMAN: And as long as the water flows.

Chief HILL: And as long as the water flows.

As far as the Haldimand deed is concerned, we know it is registered in library A, folio 8, and is not a ratified treaty. Our treaty goes back further than that. When Great Britain took over Canada from the French the Six Nations joined them as allies. Previous to that all of Ontario was conquered by the Six Nations people. When you join forces with another nation as allies you do not take away their territory. So as I understand it from reading and studying history the Haldimand deed seems to be worth nothing. We have to go back and follow up our history.

We have had a lot of people who have come to visit us from all parts of the country who have studied our history. They tell us, "why don't you do something about these things?". We have tried to. We have sent letters. We have sent letters to England. We understand a change has taken place in England since the treaty was made with the Crown. There was a treaty made with the first president of the United States. The treaties still stand. George Washington promised to live up to all treaties made previous to the declaration of independence.

I think you gentlemen understand these treaties, because as Mr. Charlton said you have read them. I think you can understand our reason for being here, and our not wanting to give in to the Indian Act. We feel justified in being here. I believe if you had our status that any one of you gentlemen here would be justified to come up here and demand the rights in these treaties.

I think that is all I have to say for the time being.

The VICE-CHAIRMAN: Thank you very much, Chief Hill.



Mr. SMITH: In the list of Indian treaties that was prepared by the Department of Citizenship and Immigration there is a clause which states:

The following is a summary of the main provisions of Canadian-Indian treaties. It may be noted that these treaties do not include the Iroquois of Brantford and Tyendinaga or certain other groups who immigrated to Canada from what is now the United States and were given reserve lands in Canada.

The Six Nations treaties are excluded from this list which has been presented to the committee.

Mr. ARTHUR ANDERSON, (*Secretary of the Six Nations Confederacy*): Mr. Chairman and members of the committee, I wish to say a few words about the Cayuga arbitration of 1912. In the arbitration, which is here, they finally stated that the Six Nations were recognized as independent nations and allies of the Dutch, afterwards the French and then the English. It goes on further and says: these confederate nations have ever since resided upon the Grand river where they have been domiciled and established, maintaining their cohesion and ancient constitution and method of government.

Further on at another page it says: the Six Nations hold their land under the Haldimand grant to this day. In this manner His Majesty's faithful allies took possession of and occupied the Grand river tract. Their sovereignty and identity were two things that were conserved.

It is plain that when this arbitration was brought about against the United States these arguments were put forward I believe mainly by Canadian officials at that time. These are the arguments put forward. In these arguments there is mention of the treaty of 1814 when Great Britain and the United States covenanted to restore all the rights and privileges and possessions of the Indians which were enjoyed before the war.

Further in this memorial it says: they are living and have always lived in subjection to the direct successors of the ancient national rulers, and their language, laws and method of government remain.

Now all these things hinge on our treaty rights. This was not written by us but by the men who took part in the arbitration against the United States. If at that time our treaty was respected it must be legal today.

So far as this Indian Act is concerned, the Six Nations never accepted the act. You must realize through the papers for many years now they have never got a quarter of the voters to vote in those elections. There is a lot which could be said in that connection, but I wish to be brief. I am sure you will understand that the great majority of the Six Nations do not uphold the Indian Act or any part of it.

I understand that Canada is a member of the universal declaration of human rights. In there we find: every person has the right to his nationality. I understand that this Indian Act will do away with our nationality and it will be a thing of the past in a very short time. We want to hold our nationality. I think our forefathers have given you this country. Had it not been for the Six Nations this country never would have been Canada. I think we have earned the right to remain a living monument to what our forefathers have done.

I too, would rather say more later on. Thank you.

The VICE-CHAIRMAN: I think I could take exception to one thing you said. I do not think there is anything in the Indian Act that will deprive you of your nationality.

Mr. ANDERSON: Citizenship; section 35 of the Indian Act which you are enforcing all the time. It is true.

The VICE-CHAIRMAN: It has never been enforced—section 112.

Mr. ANDERSON: You are doing it more and more.

The VICE-CHAIRMAN: I suppose that is a matter of debate.

Mr. ANDERSON: It surely is.

The VICE-CHAIRMAN: Mr. Smith, have you anything more to add.

Mr. SMITH: Just what Mr. Anderson was saying. In section 4 the destiny of the Indian people is entirely within the hands of the minister. The Indian people should be left to work out their own destiny. They are a part of the economy of Canada. They are a great part of the history of Canada and they want to play an important part, and they will play an important part in the development of this country.

The VICE-CHAIRMAN: I know they have.

Mr. SMITH: The Indian potential now in labour and skills has only been scratched. The Indian never has been given much of a chance to work outside as he should have.

The VICE-CHAIRMAN: Members of the committee, are there any questions you would like to ask these witnesses? First we will have questions on the statement of Mr. Smith, then Chief Hill and Mr. Anderson.

Senator HORNER: In Mr. Smith's remarks he stated that they lived for centuries without warring among themselves. That certainly is not correct.

Mr. SMALL: He was speaking about the Six Nations.

Senator HORNER: So far as the Indians of Canada are concerned there was a great deal of warring centuries ago between the different tribes.

The VICE-CHAIRMAN: But Mr. Smith only had reference to the Six Nations confederacy itself.

Mr. SMALL: You said that the treaty forcibly was taken off. When did that happen?

Mr. SMITH: In 1924.

Mr. SMALL: Was it done forcibly?

Mr. SMITH: Yes, by the mounted police. The chiefs were holding council and the mounties came in and the Indian agent got up and read a proclamation that they were dissolved.

Mr. SMALL: That was not forcibly. That was by due process of law.

Mr. SMITH: No; it was by force. The mounties put a lock on the door.

Mr. SMALL: Chief Hill made a statement about the American treaty. Have you a copy of that?

Chief HILL: Yes. Our forefathers sent delegates to that treaty.

Mr. SMALL: What date was that?

Chief HILL: 1784 was the date of the ratified treaty of Fort Staniwin. The first treaty of Fort Staniwin was in 1768. It was renewed from time to time.

Mr. SMALL: With the Americans.

Chief HILL: No. It began with the 13 colonies—no, I should say with the colonial government at that time in what is the United States.

Mr. SMALL: 1784 would be after the revolution.

Chief HILL: Yes; but the first one of 1768 was before the revolutionary war.

Mr. SMALL: What about the British treaty? Have you a copy of that?

Chief HILL: We have the royal proclamation.

Mr. SMALL: I mean the treaty. Is it the Montgomery or the Gage.

Chief HILL: General Gage.

Mr. SMALL: That was not a treaty.

Chief HILL: No; that is just a proclamation. They can say: "we will change that tomorrow"; but that did come after the big treaty of Paris.

Mr. SMALL: In 1763.

Chief HILL: Yes.

Mr. SMALL: You said that the Six Nations—the Mohawks, Onondagoes, Cayugas and the Tuscaroras—were the Caughnawagas separated from the confederacy.

Chief HILL: They had broken away. They went with the Jesuits. They had been previous to that. They are a branch of the Mohawks.

Mr. SMALL: And the Onondagoes?

Chief HILL: Originally they were.

Mr. SMALL: You said the Six Nations conquered Ontario?

Chief HILL: Yes, from the Eries.

Mr. SMALL: The Algonkins and the Hurons had no place in that?

Chief HILL: The Algonkins and Eries are a branch of the Ojibways.

Mr. SMALL: Then, when you go further, you must remember Ontario is a very large tract of land for them to own, and the Indians in the western part of Ontario—I think you are referring to the southwestern part.

Chief HILL: This is what our forefathers called the beaver hunting grounds in Ontario.

Mr. SMALL: What about the Toronto purchase of the land? You said you lost a lot of land. That land could not be taken from you unless it was done by surrender. You said you had six miles each side of the Grand river.

Chief HILL: That is the Haldimand deed. One man made many of those surrenders—Joseph Brant.

Mr. SMALL: William Johnson was the Indian agent at that time.

Chief HILL: He was not exactly an Indian agent, but more or less a representative of the crown and a friend, who was a negotiator and negotiated with the Six Nations. He became an especially good friend with them; and they depended on him a lot; they believed in him. He was the instigator of the breaking up or disrupting of the country.

Mr. SMALL: The main body of the Six Nations were to the south of the Great Lakes?

Chief HILL: Yes, at that time.

Mr. SMALL: At that time, yes, and they had only a small tract of land to the north when they came in after the revolution. After they came in here they were given that tract up north?

Chief HILL: But these other five paid tribute to the Iroquois.

Mr. SMALL: Yes, you mentioned that.

Chief HILL: The lands which they claim were the hunting grounds, the beaver lands up here, north of lake Ontario. Any time the Iroquois wanted to come in with a band and set up snares to hunt beaver the Algonquin and Hurons backed away.

Mr. SMALL: I do not question that, but the reason they came in was because they were an organized body, and they had their own laws, and if they wanted anybody else's land they were strong enough to go and take it, and nobody could withstand them. But there was not any treaty signed with regard to the land they took off the other Indians.

Chief HILL: No. They did not make a treaty; it was just an understanding at that time. But they tried to live in peace with them. The fact that the French

came in there, they wanted to conquer all the territory at that time, and they took the Algonquins and Hurons, and they all went into the Iroquois territory. At that time they had tried, many times, to make peace. I think the last time they made a real, lasting peace was up around Georgian Bay.

The CHAIRMAN: Penetanguishene.

Mr. SMALL: I wanted to establish where the treaties came in, on paper, and the treaty you talk about. There were alliances before treaties. The Algonquins, the Hurons and the Canandaiguas had a treaty with the French. When it was transferred over, all who had been adhering to the French were taken over by the British and, the same as any other nation which goes in and conquers, they accept the transfer by treaty and abide by it. The treaty you mentioned, from your argument I understand, that is the first matter you do not accept. You say that you are a sovereign body by yourselves, and you have no part or parcel in the United States or Canada. But neither the United States nor Canada recognize that you are a sovereign body within a sovereign body.

Chief HILL: I wonder why they do not?

Mr. SMALL: That is a matter of conquest.

Chief HILL: You do not conquer your allies. At that time we were very badly needed. My forefathers were very badly needed in the war with the French. They would promise them anything.

Mr. SMALL: You said part of the treaty was broken; that is, one section of it.

Chief HILL: They would violate the whole treaty.

Mr. SMALL: A violation of the whole thing, but you do not spell it out. You do not give us the treaty you are operating under, as to the clause that was violated.

Chief HILL: I would like to get Mr. Smith to read the footnotes.

Mr. SMALL: That is not the recognized treaty. The treaty is a document that is come to by two nations. I am with you in getting everything you are entitled to.

Chief HILL: Are you acquainted with the deed, with the Haldimand Treaty.

Mr. SMALL: No.

Chief HILL: Has anybody the Haldimand deed back there? We would like to read that to you.

Mr. SMALL: The reason why I am asking you this is that a long time ago I was talking to the chief of the Tuscororas, and he told me that he had a copy of the treaty and, in fact, sold it at some time previous to the then Duke of Devonshire. Whether he has the treaty or not, I do not know. At that time he said there was a treaty, and it must be in existence somewhere. Maybe the Haldimand Treaty is what he was talking about. He said it was with George IV.

Chief HILL: George III.

Mr. SMALL: Yes, George III. That must be in existence, and surely, should be produced so that we can work on it?

Chief HILL: Well, in all the meetings that Sir William Johnson had with the Iroquois they were always guaranteed permanent independence. The history which was written, the documentary history, is all compiled here, and refers to that continuously, all the way through—a guarantee of permanent independence. The treaty-makers on here represented that. This confederacy is not man-made, and is not an organization. This confederacy was set up by the divine providence, showing us the way to peace and to live in harmony among one another; but we still had the right to fight back if anyone attacked us. And I am talking now of a long time ago, during our forefathers' time.



Mr. SMALL: Yes, any country has that right.

Chief HILL: I have read a lot of the history, and I have read the authors who had studied these documents and who gave their version of it. New York State set up a commission to study the status of the Six Nation people, and after two and a half years of study, with access to all the history pertaining to our nation, they came up with the fact that one nation of our people who made a separate treaty did not make a legal treaty and it was not a legal deed, and it had to come from the United Six Nations.

Mr. SMALL: Do you still maintain that? I heard Senator Gladstone say he did not know where they got this name of "band" from, and that it always went by the name of "tribes". I asked that same question, I think it was last year, but they said there was no distinction between the Six Nations.

Chief HILL: Bands came out in the Indian Act, and in the book form.

Mr. SMALL: The Tuscororas were a recent addition to the Six Nations. They were, until recently, the Five Nations.

Mr. THOMAS: Mr. Chairman, I wonder if we could ask Chief Hill what the population of the Six Nations reserve is?

Chief HILL: Do you mean, the Grand river?

Mr. THOMAS: That is what is called the Six Nations reserve.

Chief HILL: Approximately 7,000 men, women and children.

Mr. THOMAS: I understand you represent what are known as the hereditary chiefs—is that correct?

Chief HILL: Yes.

Mr. THOMAS: How many of the six to seven thousand people support the hereditary chiefs, and how many support the elected council?

Chief HILL: Well, we only go by who supports the elected council, and then we know what the people really want, just by how many vote in these elected council elections that they have. The last count that was done on it, the amount was some 600 odd of voters who voted out of approximately, at least, 3,000.

Mr. THOMAS: When you say 600 voted, just what do you mean? Those who were over 21 years of age?

Chief HILL: Yes.

Mr. THOMAS: What would be the average family on the reserve?

Chief HILL: Do you mean, under 21?

Mr. THOMAS: No, I mean counting the father, mother and children. The average family over the whole of Canada is four-point-something. That is two adults and two children.

Chief HILL: It would probably be about the same.

Mr. THOMAS: Do you think the families on the reservation are about the same size as the families of the rest of Canada?

Chief HILL: Yes, about the same.

Mr. THOMAS: Assuming that to be true—and, of course, it is not a safe guide to go by that. I know that on the Oneida reserve at Caradoc in Middlesex county there were about 300 votes cast in their last band council election, and there are about 1,000 people living on that reserve. As far as I know, most of these people support the elected council. There may be a few who would favour the hereditary chief method of government, but I think, generally speaking, the elective system under the Indian Act is accepted. Now, you say there is a religious significance to the hereditary chiefs.

Chief HILL: No, not necessarily. I do not think so. Anybody who understands their own status, the treaties, and have read a little bit, I think they would adhere to the chiefs regardless of religion, to maintain that status.

Mr. THOMAS: Would you tell the committee how the hereditary chiefs are chosen?

Chief HILL: Yes. The tribes of the Iroquois are made up from, originally, five tribes. The Mohawk tribe has three clans—the Bear, the Turtle and the Wolf—and in each of those there are three clan mothers, and each of those clan mothers appoints a chief. She looks around and sees a man that would be suitable to stand up as a good man, to make a chief. Because of the chief's position he must be a good referee. That is, in a family quarrel he must go over and straighten them out; and if they get upset in their home, and it looks like there is going to be a break up, he must go over there and try to hold them together. He conducts the ceremonies, not necessarily in a particular clan. If a man goes off and studies the laws of the confederacy, and the religious part of it and knows all these different traditions; then he becomes a chief. He is a good man, and he is chosen by the clan mother.

The clan mothers in turn are chosen by the family of that particular clan; it is they who appoint the clan mothers who are the ones, in turn, who choose their chief; and that process goes on in every tribe of the Five Nations.

Senator INMAN: Your people seem to have great respect for the judgment of their women.

Chief HILL: Yes.

Mr. SMALL: Can the clan mothers decide whether a war is going to be started or not?

Chief HILL: Not particularly. It is the warriors who decide that. The chief never enters into warfare.

Mr. SMALL: Do the clan mothers not decide it?

Chief HILL: No, not necessarily.

Mr. THOMAS: When the tribal mothers choose a chief, how long does he hold office?

Chief HILL: It could be that he would hold office for two weeks. It all depends on his behaviour and his attitude.

Mr. THOMAS: Who would fire him?

Chief HILL: The clan mother could take his title away from him, but she has to ask him three times if he is going to change his ways. And if he still says no, after the third time of asking, then she may take his title away.

Or, again, if he does something which is very wrong pertaining to the confederacy, then the chiefs have the right to take away his title; but they must hold a council.

Senator HORNER: How has it worked out? How long have they held office? What is the longest term of office that a chief has held?

Chief HILL: Some of them have held office for 50 years.

Senator HORNER: I am told that they are very seldom removed.

Chief HILL: I would not say that, no. We have a good case right here in Chief Joe Logan Senior, of the Onondagas. He has been a chief for approximately 50 years, and he knows all the traditions.

Senator HORNER: Would the son of a chief become a chief?

Chief HILL: No, not necessarily.

Senator HORNER: But it very often happens, does it not?

Chief HILL: Upon occasion, but not very often, I would say.

Senator HORNER: Do you not recall that in our own government there was a time when the king exercised considerable authority, but it was entirely taken away and left in the hands of those who were elected? Do you not think that it is a more democratic and modern method to elect your chief by vote?

Chief HILL: No, because the treaty was made between two separate governments, and when one government goes out of existence, then that treaty is void. The identical government must be preserved.

What I mean is this: that looking ahead for 50, 100, or 200 years from now, that very same form of government must be in existence at that time in order to keep the treaty alive.

Senator HORNER: I do not understand what difference it would make in electing your chief, or how that would alter anything in the treaty.

Chief HILL: When this confederacy was formed, this province, as we understand it, was given to us by the Supreme Being, in which to carry on this form of government.

Senator HORNER: Well, we had hoped that the British would last forever, but still there have been many alterations in the form of their governing themselves. Forever is a long time.

Chief HILL: Oh yes, but that is one of the principal traditions that is supposed to last.

Senator HORNER: In this changing world?

The VICE-CHAIRMAN: Are there any other questions?

Mr. SMALL: You spoke about hereditary chiefs, yet you say that they do not go from father to son or from father to daughter. You say they are appointed by the clan mother, and that she can appoint anyone?

Chief HILL: The hereditary right remains with the clan. It does not jump, let us say, from the turtle band to the snake band. It remains in the three clans, the bear, the wolf, and the turtle; that is, among the Mohawks.

Mr. SMALL: This sounds rather like the old feudal system of England.

Chief HILL: The United States took the framework of their government from the Iroquois confederacy, with its chief hereditary council.

Mr. SMALL: It was a good system, there is no question about it. They were a powerful body. But it is a question now of a treaty and of your rights. We would like to get it straightened out. We are here to try to see that justice is done, and to give you the things you are asking for, and to maintain your entity.

But the other question has not been answered. On the Six Nations reserve at Brantford, do you maintain the entities of the different tribes which you enumerated a moment ago, so that there your clan mothers still operate?

Last year we were told that you were all one great body, and that everything was love, light, and sweetness.

Chief HILL: They maintain their clanship.

Mr. SMALL: Do you occupy separate places on the reserve so that you can maintain your entity?

Chief HILL: No, there is a different domicile for different people. Our territory is quite broad, and it takes a number of days to walk to this big council.

Mr. SMALL: Where does the Iroquois confederacy meet now to make its decisions?

Chief HILL: It meets at the long house at the lower end of the reservation, approximately five miles from Oshweken.

The VICE-CHAIRMAN: Are there any further questions?

Senator HORNER: I would like to ask Mr. Smith about the voting on the liquor question. Before you were granted the legal right to take liquor, was there never anyone found who took liquor on the Six Nations reserve? Was liquor never drunk before they were given the right to drink it?

Mr. SMITH: It was consumed, but illegally, under the Indian Act.

Senator HORNER: It really does not make very much difference as far as that is concerned. Is that not correct?

Mr. SMALL: There is no use in wasting time on that. I could argue that Indians are just the same as white men, and they would get it legally or illegally if they wanted it.

Chief HILL: That is right. But the fact that they legalize it makes it imperative that they legislate for child welfare in order to support the children of people who say "I can drink liquor, because I am free."

There has to be legislation for child welfare on the reservation in order to take care of the families of the men who do not know how to consume their liquor.

If you had wanted our people to have liquor, you would have shown the way before the coming of the white man.

Mr. THOMAS: Are the Indians not aware that liquor cannot be sold on the reserve unless there is a majority of the Indians who are in favour of it?

Chief HILL: The majority of the people were not in favour of the Indian Act when it was brought in.

Mr. THOMAS: I am speaking now of the right to drink liquor on the reserve. Did the majority of the people on your reserve vote for it?

Mr. SMITH: There was a vote taken, but only a small minority voted; but the majority of that minority voted in favour of liquor.

Mr. THOMAS: Why did not the people who are opposed to the sale or use of liquor on the reserve go out and vote against it?

Mr. ANDERSON: We did not exercise that privilege of voting in an open election, because our system is a different one entirely.

The VICE-CHAIRMAN: I think it would be interesting to the committee if you explained to us why you did not wish to vote.

Mr. SMITH: If you vote, then you automatically surrender your Indian rights. There is no question about it.

Senator HORNER: How and why? I cannot understand it.

Mr. SMITH: In the first part of the last war, here, from 1939 to 1941, up until after Pearl Harbour, several Americans came over and enlisted in the Canadian army.

After Pearl Harbour they had the privilege of returning to the American Army, but if they voted in any British election—there were advertisements in every paper, saying that their citizenship was lost, and that in order to regain their citizenship they had to take a certain course through their American consul in order to regain their lost citizenship.

The VICE-CHAIRMAN: Were they Indian people?

Mr. SMITH: No, they were white people, and it was said that the same principle would hold against Indians.

Mr. THOMAS: You feel that if you exercised your right to vote, you would thereby be recognizing the validity of the Indian Act?

Mr. SMITH: Yes, to a certain extent.

Chief JOSEPH LOGAN: Mr. Chairman and members of the committee: we are gathering here today, and we feel that you ought to learn what we know of our rights. According to all the treaties that you mentioned—for example, since 1664 when the first treaty was made with Dutch, and then coming down to the French and the British—according to all those treaties that were made, you were not supposed to make a law for each of them. They were supposed to make a law for themselves and for their own people.



That is where we feel you should begin your study, because it would enable you to understand the matter better. The fact of the matter is that we have not the right to rule you, and you do not have the right to rule us.

If we like the way the confederacy is, then that is the way it should be, according to the treaties. We feel you should study the matter, and we point out that there are a lot of documents which you must study. The result would be that an American, or a Canadian, or anybody else who reads those documents would know about the matter, because it has been written.

Now I would like to ask Mrs. Jamieson to say a few words and to explain a few matters to you. Thank you.

The VICE-CHAIRMAN: I am afraid you misunderstood me. I did not say that we knew all about the treaties. All I said was that we had copies of the treaties.

Chief LOGAN: Oh, excuse me. I must have misunderstood you.

The VICE-CHAIRMAN: Would Mrs. Marie Jamieson care to come forward?

Mr. THOMAS: Is Mrs. Jamieson a clan mother?

Mrs. MARIE JAMIESON: No, I am not. I am a member of the Cayuga tribe. I hope I am not disrupting the meeting, but in my opinion it has started out a little differently from my understanding.

I have been a social science teacher for about four years, and I took this up—I mean, I took up the study of our people.

I would like to start here, from where Mr. Smith said this is a very serious thing—the Indian Act. Mr. Anderson said that the Indian Act, in other words, was a myth, as far as the confederacy was concerned, and they have nothing to do with it. So, I take it down to the word “Indian”—and the word “Indian” is so changeable. It seems to change its meaning from time to time. It is not clearly defined. Now then, in 1924 I believe, an Indian was a being other than a person. In 1947, it had a different meaning. An Indian was a male with Indian blood, and a child of this Indian was considered an Indian, and his wife as an Indian. That is the classification of an Indian in 1947. In 1952, it changed again; an Indian was a person who, pursuant to the Indian Act, permitted his name to be registered or, it was considered a privilege to have his name registered as an Indian. And then it goes on to say that the word “Indian” is not clearly defined.

Therefore, the word “Indian” stands to be reckoned with. It is more a term, a nickname as it were—and do you know, if you gave a voucher to anyone, and gave them a nickname to have the voucher brought to a head, you know that no one would recognize the term of a nickname.

Now then, we go on and formulate the thought that the Indian then has no status, uprooted, under the term “Indian”, or are you sending people up wanted to choose some delegates to send up to this meeting. There was a period of questioning. My question was this: whom do you represent—an Indian with no status, uprooted, under the term “Indian”, or are you sending people up there to represent the confederacy, who have treaties with the crown? and, while I am on that subject, I would say that during Arthur Meighen’s time, he said the powers of parliament are limited as far as the Indians are concerned, because of the act and the treaties with the Six Nations confederacy.

This is not a long article. I have it boiled down, and it will not take much time. Now, the consequence is this. You will have here Indian councillors to whom you may dictate, and who you may ask to vote. They are uprooted. They have no status. They are the Indians.

It is against the policy of the confederacy, who are represented here today, according to their constitution to vote, and you will never be able to get them to vote on account of the cycle of their confederacy. The confederacy is political and it is religious. It takes in all phases of life. Like a wedding ring, it has no

beginning and no end. It is a very good system of government according to my studies. Now, going to the early settlement of this country when we had settlers coming over here, and we all knew who they were—so I will not go into that—but these settlers were the people who made the treaties with the inhabitants of this country. They were going to draw up papers, but the people had not given a name to them as to who they were, as if by their own religious way of thinking their Creator had not permitted them to utter their name. Therefore, the party of the first part illegally gave the party of the second part a name. That cannot be done. Therefore by that action I would say that the Canadian settlers brought to pass and have made Britain a condoner of acts which, when gone through, show that Britain is condemned by her own laws by having placed their great seal of approval on the acts of these early settlers.

I have a large collection of documentary history and I know what I am talking about. I know who these settlers were, and I know what they did. I know the origin of Canada. I know that Canada has no bill of rights. I know the constitution that governs the people of Canada. I know that the treaty of 1664 and the agreement made by Great Britain was the cause for the two peoples at that time, the Indian and the English, to make the agreement which is known as the Two Row Wampum. According to this Two Row Wampum Treaty the English were to govern their peoples in this country. They had no right to do so and that is why Mr. Diefenbaker last week moved in parliament to ask the British parliament to amend the British North America Act. No doubt this was to get a bill of rights in your constitution. Where do you stand? Have you got the right to legislate for people who have a constitution—and I have our constitution here today. Imbedded in that constitution is welfare and everything else that you would have if you had a constitution, which you should have. We do not feel that it is a discredit to Canadians, but it is a policy whereby Great Britain permits you to continue to govern your own people, but not the people of the Six Nations. The confederacy wishes to govern their own people by their own system of government. You would say; what is a government; what is a people? A nation comprises people, and wealth. Our confederacy has that. There is no question about its sovereignty.

Since the seal of approval has been placed and remains down to this day on the acts which have been passed over to the Canadian government, the eventualities will bring about genocide which you will be guilty of; which is a national sin. It is against a people whose only guilt is having their own land, their rights and natural resources which should be shared with them—that is the natural resources. I believe a third of that was supposed to be given to the Six Nations. You might speak about giving them the old age pension and the like, but if you gave them one-third of the output of your natural resources you would not be giving them anything like \$55 a month, it would be much more. All this is a cause of strife. It has lead to this nuclear age of atomic power; it is the beginning of annihilation or assimilation.

Thank you.

Senator BOUCHER: According to what you have said you feel that this committee has no authority to deal with the question which it has before it.

Mrs. JAMIESON: I feel Great Britain has transferred this. This is a subject on which the chief should speak. I have no power to speak about that. I only know Great Britain has transferred this.

Senator BOUCHER: Would the chief answer the question?

Chief LOGAN: According to the agreement it has not. You see we have treaties with Great Britain which were turned over to Canada without our consent.

Senator BOUCHER: The Canadian government represents the crown, the British.

Chief LOGAN: Yes. You see, we are supposed to deal with the governor general of Canada if it is run right. He is the only go between with Great Britain.

Senator BOUCHER: I see. I follow you.

Chief LOGAN: I would like to have my son Erwin Logan say a few words.

Chief HILL: Perhaps I might add something to that. As you know the Iroquois when they accepted the peace from the formation of this confederacy only fought battles and warfare when they were attacked. We are a peaceful people. We understand the way laws are and the way laws change. We come up here; we have written to England and to the government departments here for an opinion and it is always referred back to the Department of Indian affairs. We felt in our hearts that some day the Canadian government would see it in their hearts to recognize the confederacy and our treaties as a separate and different status than any of the other tribes in Canada because of the part that our forefathers played in the history of Canada and the United States. We do not come here to try to ridicule you or tell you you have no right to do this or that. We are here to explain our status. We know our status. We cannot subject ourselves to the Indian Act because eventually it is going to lead to citizenship. The handwriting is on the wall. We are trying to hold it back. Our people would be scattered all over the country in time if we let go. Our people would wind up in the slums of the cities. Where are old folk going to live? Can they cope with the life in the cities? Our young will become drunkards and get away from their people and their religion.

Senator BOUCHER: Were not the limits of your reservations respected by the government? Were they changed?

Chief HILL: The limits of our territories were drastically changed.

Senator BOUCHER: That was made under an agreement, was it not?

Chief HILL: A treaty.

Senator BOUCHER: Yes, under a treaty.

Chief HILL: It is the same thing. I have here an old map. This was the boundary of our territory at one time.

The VICE-CHAIRMAN: Chief Hill, I am sorry, but we will have to adjourn now and come back this afternoon. That is our bell calling us into the House of Commons.

Ladies and gentlemen, before we adjourn would it be satisfactory if we meet this afternoon at 2.30 instead of 3.30. Is that agreeable?

Agreed.

The VICE-CHAIRMAN: We will meet in this same room this afternoon at 2.30. I think Mr. Logan has something to say shortly after that.

## AFTERNOON SESSION

WEDNESDAY, June 22, 1960.

The VICE-CHAIRMAN: Ladies and gentlemen, are there any further questions which the committee would like to ask Mrs. Jamieson before we continue? If not, I believe Erwin Logan had something to say.

Mr. ERWIN LOGAN, (*Mohawk Tribe*): Mr. Chairman, ladies and gentlemen, first of all I thought I would try to put you straight on the elections as opposed to what you call the hereditary chiefs system. A chief is not just picked by a clan mother of any particular clan or tribe. The clan mother, you might say, is the leader. She calls the clan together and the man is picked, you might say, more or less by an election by the people—by his own people. The best man is



picked. There could be one or two candidates, but the one they figure is the best one is nominated to become the chief. Then, when they pick the man he comes up before the chiefs. Then he becomes the chief; but he can be disposed of. He can only hold office, for instance, for one council. There is a chief and a subchief. If the chief has had more than one warning and if he still does not do what is right for his people he is disposed of very quickly. Actually, in my own opinion, I feel that our form of government is even better than your democratic form of government, because with you people if a man gets into office he is in there for two years through the Indian Act—I am speaking of the reserve councillors.

Senator BOUCHER: How is the assistant chief selected—the sub-chief.

Mr. ERWIN LOGAN: I would imagine he would be the one who would stand next in line; there probably would have been two candidates. There is another thing; it is not very often that you will find a father and son both being chiefs. There is one case now where there is a father who is a chief, and also the son. That is my grandfather and my father. My grandfather is the chief of the Onondaga tribe, but that has nothing to do with my father being chief, because he is chief of the Mohawks. It goes by the mother's side of the family all the time. We do not go by your form of keeping track of it. That is one thing I thought I would put you straight on. You cannot say our system of picking a man is hereditary; it is not.

Senator INMAN: Do you call yourselves hereditary chiefs?

Mr. ERWIN LOGAN: No. We call ourselves the Six Nations confederacy.

Senator INMAN: You do not call your chiefs hereditary chiefs?

Mr. ERWIN LOGAN: We do not.

Mr. SMALL: Where does the conflict come in between the selection of chiefs by a vote of the council and the hereditary chiefs? There are two schools of thought or two bodies in conflict there somewhere.

Mr. ERWIN LOGAN: You mean the elected body of chiefs through the Indian Act. That is something we never could agree with. It would be absolutely impossible, because we are allies of you under the government, like. I think you know the meaning of the word proclamation.

Mr. SMALL: What proclamation?

Mr. ERWIN LOGAN: The royal commission of 1763 by King George III.

Mr. SMALL: The one read out by General Gage.

Mr. ERWIN LOGAN: No; Sir William Johnson. That proclamation there clearly separates me and you, like, as a race of people. The constitution that you live by goes against this British-North American Act. In section 139 it says:

139. Any proclamation under the great seal of the province of Canada issued before the union to take effect at a time which is subsequent to the union, whether relating to that province, or to Upper Canada, or to Lower Canada, and the several matters and things therein proclaimed, shall be and continue of like force and effect as if the union had not been made.

Therefore, if you people are still going to make an Indian Act forced on your allies you are breaking the very constitution you represent.

Another thing is that at election time it is not run by this Indian Act. Last fall I ran for the district council.

Mr. SMALL: What reservation are you on?

Mr. ERWIN LOGAN: Grand River.

Mr. SMALL: What tribe do you represent?



Mr. ERWIN LOGAN: I am a Mohawk. Last fall my name came up as a nominee for the elected council. On Thursday I phoned Stattwood and said "I want my name withdrawn". I said that I had not consented to run. He said you will have to make a written statement that you wish to withdraw. I said show it to me in the act. It is not in there; it is in the Canada Elections Act. That is another reason why you can never expect us to vote. If an American citizen comes over here and joins your army and comes back he has the right to vote the same as you, but if he does he loses his American citizenship. That would also apply to the Indian. There is no way out of it. I think that has been proven time and time again if you go back in history a little. Last summer you will remember—I do not know whether or not you people will remember, but we remember it quite well. At Grand River they decided they would take some beer on the reserve. I guess a lot of people thought that would be good.

Mr. SMALL: Who decided that?

Mr. ERWIN LOGAN: The council. I do not know whether or not it was the Council, but I imagine it would be the elected council. If I am right—and I think Mr. Jones will confirm this—there were 265 for and 11 against it. That was passed all right and the privy council drew up a paper or something. We can have beer, liquor or anything there to drink.

Also, about three days ago one of our boys got caught on the reserve for running his car into a ditch and not reporting it. So they come along and charge him under such and such a number of the Highway Traffic Act and also under a thing called the reserve traffic regulations, which also was passed by the privy council in the last part of last year. What I cannot see is what is the difference between the Liquor Control Act, where they have to ask the people whether or not they want to take it and this reserve traffic regulation which they come along and push on us. That is another reason why we do not like the Indian Act. We have nothing at all to say about what goes on on the reserve.

Mr. WRATTEN: What are these reserve traffic regulations.

Mr. ERWIN LOGAN: What they amount to is a law passed by the privy council to make the Ontario highway traffic regulations apply on the reserve.

Mr. WRATTEN: Do you not think they should?

Mr. ERWIN LOGAN: No.

Mr. WRATTEN: Why?

Mr. ERWIN LOGAN: Because in my opinion we pay half of the cost of keeping up the roads.

Mr. WRATTEN: You get the same subsidy in respect of the roads being kept up as they do in Brantford next door.

Mr. ERWIN LOGAN: Do you not think we should.

Mr. WRATTEN: You should be subject to the same rules and regulations on the road.

Mr. ERWIN LOGAN: Right in my own back yard?

Mr. WRATTEN: I have to in my backyard, why should you not?

Mr. ERWIN LOGAN: Don't forget I am different from you.

Mr. WRATTEN: I do not see that you are any different so far as road rules and regulations are concerned than anybody else. You have no more right to go speeding down the highway.

Mr. ERWIN LOGAN: I agree; but what about on my own territory. I do not think the Indians as yet have come down to the point that the government can tell us we have to jump on the reserve. It is getting that way.

Mr. WRATTEN: If you get the same subsidy from the Ontario government as the other municipalities you would be governed by the same highway laws, because that is how the roads are kept up.

Mr. SMALL: You do not have any rules and regulations on the reserve for the maintenance of speed and so on?

Mr. ERWIN LOGAN: Yes; this year. A couple of guys got stopped for not stopping at a stop sign and the court ruled that those signs might have been put up by anybody. Then they made the reserve highway regulations and put the Ontario provincial laws in there. We cannot win.

Mr. WRATTEN: If a municipality puts up a stop sign it has to be passed by the provincial government before it can be put up.

Mr. SMALL: Is this road a highway?

Mr. ERWIN LOGAN: No. It is a reserve road.

Mr. SMALL: Does it run to a highway outside the reserve?

Mr. ERWIN LOGAN: Yes. There is another thing. The department of highways in Ontario have gone in there and have surveyed. I suppose they have surveyed every acre on the reservation now. They are building a highway which runs right through the reservation, cutting right across the other side there. They are putting a bridge across the river, and this is going to be a provincial highway now. The councillors came around and they got the people living along the shoreline and asked them to sign this paper, giving them the right to take 14 feet off one side and 11 feet off the other. Apparently, all they are getting is a new fence. This is the Ontario Department of Highways, and they are going to put this highway in. There are a few of our people that said, "No, we are not going to sign." We went up and we asked the Chief councillor, Mr. Garlow, we asked him and another councillor there too, "What are you going to do? Those people are not going to let you through." He said, "We are going to start appropriating that land." I said, "You cannot do it, and you show me in the Indian Act where you can do it." He said, "It is not in there yet, but you wait and it will be." That is how they are going to start appropriating our land. This Indian Act is for us as well as the people way up north. They are just living up there, and that is all. This Indian Act covers all the aspects. If he can start expropriating our land he is going to be able to do that to other Indian reserves, to every Indian reserve there is, and I do not think any government should have the right to do that. That is another reason why we cannot take the Indian Act, because it is made by a government separate from ours, and if we do not make it, I do not see how we can win.

I was wondering, Mr. Chairman, if I could ask you a couple of questions—not particularly you, but any one of you members in here. You, as a representative of the people, could you tell me any reason why in 1924 you felt—or the government felt that the confederacy chiefs should be disposed of? Could you tell me that? What was their reason for doing that?

The VICE-CHAIRMAN: Mr. Logan, it was after a report of the royal commission, a report made by Colonel Andrew Thompson. The government took the advice of that Royal Commission, and they seemed to feel that the majority of people on the reserve at Brantford wanted the elective system. They received petitions from the boys that were fighting overseas at the time, and that was their feeling. That is the reason for that being done.

Mr. ERWIN LOGAN: This Royal Commission was composed of how many men?

The VICE-CHAIRMAN: Just one man, Colonel Thompson.

Mr. ERWIN LOGAN: I see.

Chief HILL: How many voted in that first election? Has Mr. Jones a record of that?

The VICE-CHAIRMAN: In the first election?

Chief HILL: In 1924, when they set up this elective system.

The VICE-CHAIRMAN: Colonel Jones said they have not that information here. We can get it for the record, if you would like to have it in the record.

Mr. ERWIN LOGAN: I think it would be a good idea to get it and put it in the record, because I think you will find not even fifty people voted in that first election; and, in fact, I think it was only one over 25.

The VICE-CHAIRMAN: It is not any different on the reserve from the position in any township or federal or provincial election in Canada. In many cases less than 40 per cent of the people in any township will vote in a municipal election.

Senator HORNER: Sometimes in cities it is as low as 25 per cent.

Chief HILL: We are getting away from the treaties again, the question of the treaty violations.

The VICE-CHAIRMAN: Let Mr. Logan finish now, and you will have a chance again afterwards.

Chief HILL: All right.

Mr. ERWIN LOGAN: I am going to let the chief talk for a little while. I have a little more to say, but that can wait for a little while yet.

The VICE-CHAIRMAN: Are there any questions you would like to ask Mr. Logan now?

Mr. SMALL: He mentioned something about alliances, that the Six Nation Indians were in alliance. You are in an alliance and you have a treaty to that effect. Where is the treaty?

Mr. ERWIN LOGAN: Well, for one thing, how can you explain the fact—

Mr. SMALL: I have not been asking you to explain anything, but you said said there is an alliance, and there is a treaty that goes with an alliance. We are in alliance with each other, and we would like to know where the treaty is that outlines and sets it out.

Mr. ERWIN LOGAN: There is the treaty of Ghent, for one.

Chief HILL: And the Haldimand Treaty.

Mr. SMALL: All right. Let us have those two—the treaty of Ghent and the treaty of Haldimand.

Mr. ERWIN LOGAN: There was one other thing we were going to ask this committee. We will submit a brief. We will submit our constitution and that is all, if that is all right with the members. We will accept our own constitution and we will go by it, but we will accept that, I will tell you now. That is all about that.

Mr. SMALL: Mr. Hill said that he mentioned something about the treaty of Ghent and the Haldimand Treaty; and there is the Simcoe treaty.

Chief HILL: The first treaty was in 1664, and subsequent treaties followed. Of course they are all reported in the documents here. But there were usually treaties or alliances anytime there was a skirmish or fight with the French. We have a wampum on it. Every so often this treaty of friendship, as it was called, and the covenant was renewed at a big council or big gathering of the English and the warriors of the Six Nations. It gives the documentary history here, the colonial history and the U.S. history, all the way from 1664 right through to the ratified treaty. It is all here, if you would care to read it, the footnotes and everything.

Senator FERGUSON: Are you going to file that with the committee?

Chief HILL: Well, I will have to have a short discussion with some of the chiefs here, before I do.

Mr. WRATTEN: That is the only copy you have?

Chief HILL: Yes, right here with us.

Mr. WRATTEN: You have other copies?

Chief HILL: Yes.

The VICE-CHAIRMAN: If you file it, it will become the property of the committee.

Chief HILL: I understood it would be recorded and returned.

The CHAIRMAN: What if you file it.

Mr. SMALL: What you had better do is to get a photostatic copy made of the part you want registered and filed with the committee. You do not have to file the original, but just a copy of it.

The VICE-CHAIRMAN: If you want to have it filed you had better get a copy made and send it in to the committee.

Chief HILL: We will do that.

The VICE-CHAIRMAN: And then send it in to the committee?

Chief HILL: Yes, fine.

Mr. WRATTEN: Is there any place in the building where they could get it photostated and save them the expense of having it done?

Chief HILL: There are 126 pages.

Mr. SMALL: Could Colonel Jones arrange to have copies taken of it for them?

The VICE-CHAIRMAN: Yes, Colonel Jones says he could arrange to have a copy made of it.

Chief HILL: When?

Mr. JONES: Probably tomorrow.

The VICE-CHAIRMAN: How many pages is it?

Chief HILL: 126 pages. We have to have a little discussion on this with the chiefs and, of course, it has never occurred to us we would have to file this.

The CHAIRMAN: Does the committee wish this to be filed with us?

Senator FERGUSON: The only thing is we cannot look at it at all and ascertain what is in it unless it is available to us.

Mr. SMALL: If they are going to submit it as evidence, it cannot be accurate just in a person's words; but if they are going to put it in as a bona fide treaty or excerpt from the treaty, we will have to have a copy of it. It should have been prepared for that before you came here. However, the Colonel will arrange, I am quite sure, to have copies taken of it. They have up-to-date equipment that does not take long to run it off. But if you want it as evidence—

The VICE-CHAIRMAN: It is not being considered as evidence.

Mr. SMALL: Well, if you want a record of what has taken place in the committee—

The VICE-CHAIRMAN: With the records of the committee, to be considered by the committee but not to be entered into the records of the committee proceedings.

Mr. ERWIN LOGAN: Would this committee accept our constitution as our brief?

The VICE-CHAIRMAN: Your constitution is not actually a brief, is it?

Mr. ERWIN LOGAN: Well, I do not know. Our constitution is the same as yours.

The VICE-CHAIRMAN: It could be considered as a brief. Could you identify the document you are referring to now, for the committee's benefit?

Chief HILL: The various documents, or any particular one?

The VICE-CHAIRMAN: Is the whole thing a history of all the treaties?



Chief HILL: This is the status of the Six Nations in Canada—their status based on history.

Mr. SMALL: Who is the author of it?

Chief HILL: This was compiled by the council of the Six Nations on March 12, 1920.

The VICE-CHAIRMAN: Does that document include all your treaties?

Chief HILL: Yes, it takes in the highlights of all the meetings. They were not ratified treaties or anything like that, but they were documented, records kept.

The VICE-CHAIRMAN: They are not the copies of the actual treaties, then?

Chief HILL: No.

The VICE-CHAIRMAN: Just parts of the treaties that are incorporated in the history of your Six Nations confederacy?

Chief HILL: Yes.

The VICE-CHAIRMAN: What is the committee's wish? Do you want a copy of this document made?

Mr. WRATTEN: It is not an authentic copy of the treaties, but something they put together themselves.

Chief HILL: I will give you a page and let you take a look at this. You just glance at some of it.

Senator HORNER: Who prepared this in 1920; who was the author?

Chief HILL: Chisholm. I believe Bill Smith can answer that.

Mr. SMITH: W. G. Chisholm, of London, Ontario. The late Mr. Chisholm.

Mr. SMALL: It is just a compendium of the Iroquois confederacy history, is that it?

Chief HILL: Yes.

The VICE-CHAIRMAN: It is up to the committee now, whether you wish a copy to be made of this or not.

Mr. SMALL: If they will agree to it, I think we should have a copy. It would be good for the history of the department, apart from us.

The VICE-CHAIRMAN: If that can be arranged with the department, the department can arrange to have a copy made.

Chief HILL: We are trying to get back our status as an independent nation. I do not know this is going to be much help.

Mr. SMALL: I think that is the part which will be for the committee to decide about. You are maintaining that you are an independent nation. You are maintaining and insistant upon your rights as a sovereign body. You have your direct counterpart in the United States as well, have you not?

Chief HILL: Yes.

Mr. SMALL: They have the Five Nations over there maintaining the direct counterpart.

Chief HILL: Yes.

Mr. SMALL: How are we set up?

Chief HILL: In some parts over there they are recognized as the controlling body—such as on the Tonawanda reservation. Also the Onondagas.

Mr. RODGERS: Are they still subject to the laws of the United States?

Chief HILL: I do not know what they do about those things. They have had trouble with the hunting laws, but they seem to win out on those cases, just about two years ago.

Mr. ROGERS: They do not have their own sovereign state like you folks down in the Six Indian Nations said last fall that you want.

Chief HILL: The treaty is still recognized in the United States, and they are still sending them treaty cloth, under the Canandaiguas treaty.

Mr. SMALL: You are still maintaining reserves. Let us take the Mohawks and the Oneidas around the lake. Would they have their reserve around the United States set up, as we have here? They have your counterpart, the Five Nations, the same as the Six Nations are in Canada which, you are contending, are a sovereign body. If you are a sovereign body that should take in all the Six Nations, in Canada and in the United States.

Chief HILL: Yes.

Mr. SMALL: How did you hope to effect your sovereignty by having the body overlapping in both countries?

Chief HILL: This has been hacked away at for many years. It has been pretty hard to hold on to what we have got. It has been disregarded so many times by the department of the interior in Washington, with regard to these treaties, and saying they do not recognize the treaties.

Mr. SMALL: A treaty is a document between two countries, between two nations. If you are a sovereign body you should have a treaty between Canada and the Six Nations reserve; and the same thing would apply to the United States. You should have a treaty with them, to recognize your sovereignty as one body. Your confederacy has part of it on the reserve in Canada and another part in the United States; you have one part of that part in Canada in Ontario and one part in Quebec. If you are setting yourself up a sovereign body, how can you maintain hegemony of confederacy?

Chief HILL: We probably had to go to war at the time when they put the boundary line there in 1812, when it came through the Saint Regis reserve. A lot of this is passed down from generation to generation by memory. We have the wampum. Some of the old people asked what they are going to do with the boundary line—"Are you going to take it right through our territory?" They said, "Oh no, it is going to go up and then over and down."

Mr. SMALL: This part of your confederacy, were they allied to the French at that time?

Mr. LOGAN: At that time there was no difference.

Mr. SMALL: But there was one part of the Iroquois confederacy which was allied with France and the other part allied with the British. The Canandaiguas were part allied with the French, and on ceding of the one to the other, it was set out in the terms of the confederacy of 1879 what was to be given to them. It was not taken away, but it was transferred on the ceding. There was an alliance and it must have continued from the British government of George III. You have gone back to the time of King Charles, in 1669, about part of your alliance there. If there is an alliance there has to be a treaty to maintain and uphold it. Your contention is that there is; and that is the part we have to straighten out.

Chief HILL: That was in around 1760. There have always been wars between Great Britain and France.

Mr. SMALL: There have always been wars amongst the confederacy, too, and the Indians.

The VICE-CHAIRMAN: Order, please.

Mr. SMALL: You did not cede territory from one to the other when the Indian tribes were fighting against one another. You did not have a treaty setting that out.

Mr. LOGAN: The Six Nations, when one sided with the Americans and one with the Canadians, you did not have any Indians fighting—you can check back in history on that.

Mr. SMALL: Yes, some sided with the British—

Mr. Erwin LOGAN: Yes, and yet some of us sided with the British and some with the Americans, and yet we did not fight one another. We fought the Americans all right, and some fought Britain; but we did not fight one another.

Mr. SMALL: I agree with that, but at one time you did—

The VICE-CHAIRMAN: Mr. Small, this is becoming a conversation between a member of the committee and one of the witnesses. It must be difficult for the reporters to hear this.

Mr. SMALL: I am trying to establish the treaty. They are talking about treaty rights, and we want to find out the validity of their contentions.

The VICE-CHAIRMAN: To make sure there is not any misunderstanding: Chief Hill, you said you wanted to meet with your Chiefs. If you have any objection to presenting this to us you do not have to. Please do not misunderstand us. You do not have to give us a copy, if you would rather not.

Mr. SMALL: It is not compulsory.

The VICE-CHAIRMAN: We do not want to force you to do it, but if you do, it can be arranged that the department will make a copy, and then it will be available for our records.

Mr. SMALL: We are trying to get an amicable arrangement so that we can work in harmony; but this is an impasse, and we want to get over it.

The VICE-CHAIRMAN: Are there any questions of any member of the committee, that you would like to ask?

Mr. Erwin LOGAN: Could I ask one more question? I want to ask Mr. Jones over there this: a year ago last spring you were up to our council house, and you told me that Canada recognizes no treaties other than those made by Canada. Is that not right?

Mr. JONES: Mr. Chairman, I well remember that afternoon. I think what I said, from memory, Erwin, was that the treaties that are in existence are those that have been recognized by the parliament of Canada. I think that is the answer I intended to get across—that any other treaties that are not made by Canada, I would not be familiar with.

Mr. ERWIN LOGAN: That has been worrying me ever since you told me that Canada recognized only the treaties made by Canada. Where would that leave the Six Nations? They have no treaty with Canada, but they have it with the crown. Where would that leave us, if this was not the case?

Mr. JONES: That particular question is something that has been occupying the attention of the committee today, trying to discover what treaties there are that are applicable to the Six Nations in Canada.

The VICE-CHAIRMAN: Has there been any court rulings at all, Mr. Jones?

Mr. JONES: I was going to say I could table, if it was of interest to the members of this committee, the judgment of Mr. Justice King of the Ontario supreme court who dealt at quite some length with the lawsuit of Verna Logan against Clifford E. Styres, R. J. Stallwood and the attorney general of Canada in regard to the Haldimand grant and the Simcoe deed. They are both mentioned in this judgment. This might be of interest to the members of this committee and I could table it.

The VICE-CHAIRMAN: Would that be the wish of the committee?

Senator HORNER: Yes.

Mr. SMALL: You better tell us about it and then you can table it while you are informing the committee as to its contents.

Mr. ERWIN LOGAN: I think it would be of interest to table the Cayuga arbitration which Mr. King did not say anything about in his decision.

The VICE-CHAIRMAN: Would you just let Colonel Jones complete his statement first, Erwin?

Mr. JONES: This is a copy of a judgment of Mr. Justice King. There are just two small parts I would like to read here.

Senator FERGUSON: Could you tell us the date this judgment was given?

Mr. JONES: It was given September 3, 1959.

At the bottom of page 7 this remark appears:

The purpose of the Simcoe deed would seem to be to confirm the grant already made by the Haldimand deed. In each of these deeds it is made clear that those of the Six Nations Indians settling on the lands therein described do so under the protection of the crown. In my opinion, those of the Six Nations Indians so settling on such lands, together with their posterity, by accepting the protection of the crown then owed allegiance to the crown and thus became subjects of the crown.

At page 9, to bring this out in a slightly different form, the following remark appears:

I am of the opinion that the Six Nations Indians are entitled to the protection of the laws of the land duly made by competent authority and at the same time are subject to such laws.

And then it goes on to the end of the judgment.

I will table that judgment, Mr. Chairman if it would be of interest to the members of the committee. I could also table those two deeds that have been mentioned. They are quoted in this judgment, but perhaps not in their entirety. I could perhaps table the Haldimand grant and the Simcoe deed.

The VICE-CHAIRMAN: Is that the wish of this committee?

Mrs. MARIE JAMIESON: I have the Simcoe deed here.

The VICE-CHAIRMAN: Colonel Jones has them both and he will table them all at once, Mrs. Jamieson, if that is all right.

This is to be tabled for the use of the members of this committee but not to be included in the record.

Mr. ERWIN LOGAN: If he is going to deal with this I would also ask him to table the Cayuga arbitration. That is something Mr. Justice King said nothing about, and that is one of our biggest arguments. I think Mr. Anderson could tell you all about that Cayuga arbitration if you want to know what it is about.

Mr. SMALL: You are speaking of the Cayuga arbitration?

The VICE-CHAIRMAN: Order please.

If Mr. Jones can find a copy of that Cayuga arbitration perhaps he could present it.

Colonel Jones says that if he can find a copy of that he will certainly table it with the other documents.

Mr. SMALL: What relation has that report to the Haldimand treaty and the Simcoe treaty?

The VICE-CHAIRMAN: I do not know.

Mr. ANDERSON: It has everything to do with it.

Mr. ERWIN LOGAN: Would it be all right if we got a copy of this Cayuga arbitration and tabled it?

Mr. SMALL: It does not make any difference how it gets in.



The VICE-CHAIRMAN: It does not make any difference where it comes from as long as it is tabled, Mr. Logan.

Mr. ANDERSON: You have it in the registration office here.

Senator HORNER: Might I ask, Mr. Chairman, if that arbitration agreement was not available, or possibly not presented to Mr. Justice King?

Mr. ERWIN LOGAN: That was presented.

Mr. ANDERSON: That was presented to Justice King but he ignored it. It was presented but he ignored it altogether.

Senator HORNER: I thought this young man said he did not know anything about it.

Mr. ERWIN LOGAN: No, I said he did not do anything about it.

Senator HORNER: I see.

Mr. ERWIN LOGAN: That was our biggest argument.

The VICE-CHAIRMAN: Are there any other questions the members of this committee would like to ask?

Mr. Logan, I think you referred to the highway going across the Indian reservation.

Mr. ERWIN LOGAN: Yes.

The VICE-CHAIRMAN: You referred to a provincial highway going across the reservation?

Mr. ERWIN LOGAN: That is right.

The VICE-CHAIRMAN: Where did you get that information from, regarding this provincial highway being built?

Mr. ERWIN LOGAN: From the council house of the Oshwegan.

The VICE-CHAIRMAN: Colonel Jones, I wonder if you could clear this matter up in respect to this highway? The provincial government is helping to build this highway to provincial specifications, but they are not provincial highways as I understand it. I think, if you would explain that, Colonel Jones, it might help. You have been attending at the meeting in Toronto and I think you probably could explain this situation to the members of this committee.

Mr. JONES: The premier of the province of Ontario is very interested in Indian roads on reservations in Ontario. He had the chief and some of the councillors in Toronto not long ago, and along with his engineers he made an offer to build this road to provincial standards. This is an east-west road. There was also an offer to build an additional five miles on the north-south road. I just forgot the name of the five mile road. This would be build to provincial standards and the provincial government would look after all the engineering and pay the cost if the federal government would pay half the cost. The cost would not be coming out of Indian band money at all.

Mr. ANDERSON: If—

Mr. JONES: I beg your pardon.

Mr. ANDERSON: If the federal government will pay half the cost.

Mr. JONES: All offers are made with an "if".

I think that if the provincial people are going to take all the responsibility of trying to bring the road up to provincial standards, they would certainly want it to be of equal width. I think the standard width is 88 feet.

The VICE-CHAIRMAN: I think the width is 88 feet.

Mr. JONES: Therefore, if the council will agree to having this road laid out across two or three properties, the owners of which are not satisfied or amenable to having the highway built to provincial standards right past their front doors, then there will not be a highway, or the council would have to take action—I think it is under section 18 of the act—to acquire that property. This is not

going to be a provincial highway, as I understand it. It is going to be a road built by the Ontario government, paid for to the extent of 50 per cent by the federal government and built to provincial standards. That is the proposal.

The VICE-CHAIRMAN: Have any members of this committee any further questions?

Mr. WRATTEN: Mr. Chairman, I might say that I was in Toronto with some of the members from the county council who were trying to get the Ontario government to put a bridge across the river. I mentioned this subject the other day. We were told in Toronto at that time that in view of the provincial government spending this money on the roads for the Six Nations reserve there would not be enough money left for the bridge. That is the answer we received at that time in respect of the bridge over the river there. I would therefore think that it is a provincial road within the reserve, as Mr. Jones has said.

The VICE-CHAIRMAN: Yes, but not a provincial highway?

Mr. WRATTEN: No, a road which will be kept up by the provincial highway department for the reserve people.

The VICE-CHAIRMAN: And built to provincial specifications?

Mr. WRATTEN: That is right.

When Mr. Logan says that they are going to take some land and all they will receive as a result is a fence, I would suggest that this is done time and time again in our own townships. We will drive along a road and if we find that it is not wide enough we will go to the people living adjacent to the road and tell them that we intend to widen the road, asking them if they will donate the land, and we will put up a new fence. That is done time and time again. We are doing it all the time. There is nothing exceptional about that.

The VICE-CHAIRMAN: That is all I received for 17 feet of my property.

Mr. WRATTEN: This is done for the simple reason that people living adjacent to a road would sooner have a good road built to specifications than keep the land and have the road as it is in front of their properties now.

Mr. ERWIN LOGAN: I would like to get a word in here again. It seems that we own the land, or at least we are supposed to own the land where we are sitting on, yet we do not own it.

Mr. WRATTEN: It is not a question of owning it at all. If I was living on property adjacent to a narrow road with only one track, and the provincial government came along and said that they would build a road to provincial specifications if I would donate the land, I would certainly do so. I think your people would be smart to donate it, because you would certainly benefit from a road built to provincial government standards replacing the one-track mud roads that you have now.

Senator HORNER: They will also build you a new fence.

Mr. ERWIN LOGAN: If the Department of Citizenship and Immigration came to the Indians down there, or to the elected council there, say ten years from now, and ask us how we are going to keep up that road on the reservation, how are we going to answer? How are we going to keep up this highway to provincial standards, can you tell me that?

Mr. WRATTEN: I do not know, but I think it is just the same as it is with the other reservations. They just have the revenue on the capital.

Mr. ERWIN LOGAN: I was getting to that point. How are we going to get our funds out of the government to keep up the road, and if the funds go how will we keep up the roads then?

Mr. JONES: In respect of all the money spent from band funds on roads, the bands receive 50 per cent back in the form of subsidy. If the provincial government and federal government agree to build this new road which we have been

talking about, that would relieve the revenue funds of the Six Nations. From memory I would suggest that they may be spending now \$60,000 a year in respect of secondary roads. Every cent that is spent from band funds on roads is replaced to the extent of 50 per cent.

Mr. ERWIN LOGAN: What would happen if the band reached the point where they no longer had any revenue coming from band funds? What is going to happen in that case? How will they keep up the roads then? Supposing we run out of band funds, what will happen then?

Mr. JONES: The revenue funds of the Six Nations band as well as the funds of most other bands in Canada are budgeted each year.

Mr. ERWIN LOGAN: That is true, but in the—

Mr. JONES: The budgets are sent in to Ottawa. They are dealt with by the financial experts of the band council and the Indian superintendent, and they are forwarded for the minister's approval. One of the things that is watched particularly is that the budget does not get out of line.

Let me remind this delegation that recently it was decided that under the Public Welfare Assistance Act the Six Nations Council are going to be reimbursed 80 per cent of all direct relief. This will be paid by the provincial government to the extent of 30 per cent, and by the federal government to the extent of 50 per cent. The relief expenditures are going to be less from now on as a result of this arrangement. There will be less of a charge against the band revenue funds.

Mr. ERWIN LOGAN: I am glad that you brought that up.

The way it was before, if some Indians were out of work on the reserve, they could go directly to the band council and get relief, now—I can prove this too—before any man can get relief he has got to go to the national employment office in Brantford, he receives a letter there and then comes back to the council, and then he will get relief. The same applies to women who have kids but have no husbands and who really need relief. Before such a woman cannot get one cent relief she has to go and swear out a warrant for the man who is the father of her kid. That is what happened when the Child Welfare Act came onto the reserve, and this we can prove.

Mr. JONES: Mr. Chairman, as far as the first suggestion is concerned in respect of provincial welfare legislation, the funds are being administered by the welfare officials appointed by the band, and these officials work with the Indians under provincial legislation.

Mr. ERWIN LOGAN: Yes, it was like that but—

The VICE-CHAIRMAN: Just a minute, let Colonel Jones finish his answer, Mr. Logan, please.

Mr. JONES: I do not know how municipalities operate their relief but I would think that they work quite closely with the national employment service. Indians who are in employable insurance are entitled to the benefits of unemployment insurance. I would think that a municipality in administering its relief program would work very closely with the local office of the national employment service.

In respect to the Child Welfare Act I would say that we like to think that all provincial acts apply on Indian reserves to bring to the Indians of Canada the same rights and privileges that apply to non-Indians. Surely, Mr. Chairman, the care of the child is just as important for the Indians as it is for the non-Indians. We have arrangements that all the children come under the jurisdiction of the children's aid societies for the protection of the children, and as a result the welfare services are brought to Indian reservations, the Indians of Ontario are certainly benefiting by these services.



The VICE-CHAIRMAN: Is Ontario the only province that is providing welfare services for the Indians in this way?

Mr. JONES: Yes, this is the first province.

The VICE-CHAIRMAN: Ontario is the first province to provide this for the Indian people?

Mr. ERWIN LOGAN: Mr. Chairman, let me say something about this Child Welfare Act that he seems to think so much about. That Child Welfare Act is even thicker than the other act. There are more laws involved. This gives, under the Child Welfare Act, the right to the welfare people or the society to come in and take my kids away. They can come in and take my kids away and do it legally. Also if I do not smarten up and look after the kids right they can take them and put them in foster homes. What is going to happen to my kids then if they come and get them, take them away, out of my care, and put the kids in a white man's home? Is my little boy who is an Indian going to be an Indian when he grows up, or a white man? This is what happens when we have children's aid.

Mr. JONES: The child's status would not change; he would still be an Indian child.

Mr. ERWIN LOGAN: He would be, but tell me this; if you yourself adopted a little baby would you let him grow up to be like you and teach him the way you live or would you send him back to the reservation when he gets big enough to walk, so he would learn my way of living?

The VICE-CHAIRMAN: I think probably if I were not looking after my child probably I would not have the right or the responsibility within me to say what happened to that child. If I do not want to take care of him, then somebody else has to.

Mr. ERWIN LOGAN: Then I will say this; I do not think Mr. Jones can ever tell me that any child on the Six Nations land has ever starved. We have never had a child starve before. I do not think any child has ever starved.

Mr. WRATTEN: Has the child welfare department ever taken any children off your reserve?

Mr. ERWIN LOGAN: Yes, they have.

Mr. JONES: There are other standards besides starvation in the modern welfare field.

Mrs. JAMIESON: I have made quite a study of this subject. It has a great deal to do with the plans. There is never a time when a child or a person does not belong. They always belong. If a person were going from one place to another they will know where they go because they have a plan, and that plan is their home also.

There is a little boy who was neglected. I have him now. He is now six years old. He has never been hungry and he is getting a good education. I am not getting anything for it.

I know that there is a great number of people travelling from one place to another that are not asking for any relief from anyone. They have a system, as I said a while ago, and imbedded in that system or constitution of the confederacy is a plan for one person helping the other. It is different, where the government says they can go and apply. These people do not have to have any papers. They only comply with sort of a natural law which is embodied right in the constitution—and it is a good law. Many people, when they become old, are not walking around, and have no place to go; they go somewhere among the people, and are taken care of until they pass away. That is the way it is done on the reservation, as far as I know. They do not have an old age home on the reservation. The people take care of the aged people; they take care of the helpless and the little children. If they come to school age, and they



find themselves incapable of doing it, there is the Mohawk institute—and they can go there. Some of them do. These children have not been such a great problem to the people of the Six Nations. Many people have a little child. Some of them have two or three. I am looking at one man who has three little children. They are not his, but he is taking good care of them. I think that does a long way on this subject of welfare.

Another item you spoke about was the chiefs. I believe Mr. Anderson knows about this—the royal commission and Colonel Thompson, the one-man commission, and how it was brought through on account of the Soldier Settlement Act after the first world war, when the soldiers came back. It had to do with the lands they were going to settle upon. It interfered with the system of the chieftainship, and they had this one-man commission. Mr. Anderson knows more about this than I do. That is what brought about the change.

The VICE-CHAIRMAN: Then, as far as I personally would be concerned, I do not think you would need to have any worry that the welfare organization would come on the reservation and take a child away who was being looked after. If you are looking after the children, there is no danger of them being taken away from you.

Mr. ERWIN LOGAN: I agree. However, you forget; if they do not think the living standards on reserves are up to what they should be, they can take the child away.

Senator HORNER: They are concerned chiefly with the health of the child, not particularly the standard of living. If they decide the health of the child is all right, that is where it stays, but if the child is not properly attended to, that is different. That goes for other people as well as Indians. If, morally, the place is not fit for them, the children are better taken away.

If I understand you correctly, the Six Nations are reverting to when the United States was a colony, and want to maintain a separate nation within a nation. Surely you are not serious because, if you were, you would not have been coming here so often, and asking that amendments be made to the Indian Act under which you have been operating. Surely you are not serious in maintaining that it would be a great advantage to change the status that you presently enjoy.

Mrs. JAMIESON: When you were in the minority, the shoe fitted the other way, because you tried to become a people and you did succeed. When we were in majority and we were in the minority, you tried to become a nation, and you succeeded.

Mr. SMITH: Mr. Chairman, I would like to answer one or two matters that have been brought up.

First of all, there is the senator's remark that we are asking for amendments to the Indian Act. We are not asking for any amendments to the Indian Act; we do not want to participate at all.

Mr. SMALL: You do not want any part of it whatever?

Mr. SMITH: No.

The question came up about Colonel Thompson's investigations, when they changed from the council of chiefs to the elective council. I would like to read you a couple of chapters of his report. This is the report of Colonel Thompson on the Six Nations:

For some considerable time past there has been a strong agitation to have the Six Nations constituted as a separate and sovereign people. Those supporting this course alleged that by the wording of certain early treaties the Six Nations are not subjects but are allies of the British crown. To investigate the merits of this contention was not one of the

duties assigned to me, and I merely mention it in connection with the subject "powers assumed by council" which was so assigned.

Now, to investigate the history and story of the Six Nations, their status is their most important thing. Yet, they base their argument that they changed the council on the report of this gentleman, Colonel Thompson.

Now, he also investigated the Grand River Navigation Company. That is where the Six Nations lost considerable amounts of money in an early financial scheme which was allied with the Welland Canal Company. They both had the same officials—president, secretary and treasurer. The president, secretary and treasurer of the Welland Canal Company was also the president, secretary and treasurer of the Grand River Navigation Company. The treasurer of both of these companies was the Minister of Finance here in this house at the time. They took a considerable amount of money from the Indian trust fund and invested it in these companies. It went bankrupt, and afterwards they took bankrupt stock and credited it to the ownership of the Six Nations, and took funds out and paid them to the shareholders. That has not been rectified to this day.

Colonel Thompson, in this same report says, in speaking of the Grand River Navigation Company:

This question undoubtedly constitutes a real grievance and should finally be dealt with in some way. It is a constant irritation to the Indian, and, as one of them put it, shakes their confidence in British justice.

They never followed up the recommendation of Colonel Thompson, when there was something beneficial to the Indian, but when it was something to destroy their power, they did.

Senator HORNER: In what way did they do that?

Mr. SMITH: They reduced them from a sovereign entity to not a legal entity.

Senator HORNER: Well, I do not know how you could build a country in this way. Supposing allies of Canada emigrated to this country and settled in one community, and then said they wanted their own form of government. In this way, you would have nothing.

Mr. ERWIN LOGAN: Well, they should have told us that when they first came here. You asked in what way. Well, I will tell you this: this government has, more or less, destroyed the Indian race. First, you come along and take their government. Then you come along and make them go to school—and they have to go; then you guys try—not you; but the Ontario legislature—to enforce law whereby we cannot even marry our own people. That is how much the government of Canada has tried to destroy the Indian. It is surprising to me that there are still some left. You cannot argue that from what you will find in the books. You will recall in 1957 when they tried to stop my chief from marrying his own people. What would you do if Russia came over here and tried to enforce the same thing.

The VICE-CHAIRMAN: That has been rectified since.

Mr. ERWIN LOGAN: Yes.

The VICE-CHAIRMAN: It was rectified recently, because I had something to do with it myself, in the House of Commons.

Chief HILL: But we had to go after them.

Mr. ERWIN LOGAN: That is the only thing they rectified. They tried to pull off something which this government is supposed to stand for. This government is also supposed to stand for the British North America Act—you men sitting here, and as long as you enforce that on me, you are going against your own constitution.

Mr. WRATTEN: When you say we are destroying you, what is the population on the reserve now?

Mr. ERWIN LOGAN: 7,000.

Mr. WRATTEN: On the Six Nations reserve?

Mr. ERWIN LOGAN: Between 6,000 and 7,000.

The VICE-CHAIRMAN: What was the population in 1920?

Mr. ERWIN LOGAN: I do not know. I think Mr. Jones would know.

Mr. WRATTEN: Then, there is something the matter with the enumeration. I think the figures indicated there are 3,500, and it is for that number we can get a grant from the provincial government. If there is 7,000, there is something the matter somewhere—either you do not tell the enumerators you have so many people, or else there is something else the matter.

The VICE-CHAIRMAN: You are referring to your band lists, are you not?

Mr. ERWIN LOGAN: No.

The VICE-CHAIRMAN: The number in your band list?

Mr. ERWIN LOGAN: No; the Six Nations on the Grand river.

The VICE-CHAIRMAN: But they are not all living there.

Mr. ERWIN LOGAN: There would be 6,000 living there.

Mr. WRATTEN: Mr. Chairman, this is interesting, because this is one of the things we have been trying to get at for a long time.

Mr. JONES: The figures we have are these. As at December 31, 1959, the total band population was 7,304 residents; resident on reserve, 4,350; off reserve, 2,923, and 31 not stated.

The VICE-CHAIRMAN: What is the figure living on the reserve?

Mr. JONES: 4,350, and 2,923 off the reserve.

The VICE-CHAIRMAN: According to the 1951 enumeration census there was only 3,270.

Mr. ERWIN LOGAN: When was that census taken?

Mr. JONES: December 31, 1959.

Mr. ERWIN LOGAN: That is not correct then, because there was no census taken last year on the Grand river.

Mr. JONES: We keep a month by month change sent in by all the agencies of births, marriages and deaths. The figures are collected in Ottawa. We know the change in the population.

Mr. ERWIN LOGAN: Do you know that ten people take off from the reserve every month and go to the United States?

Mr. JONES: No.

Senator HORNER: At times, there would be some movement back and forth.

I would just like to say, Mr. Chairman, that this young man said that the government was destroying them. From the healthy and fine appearance of the men who are here today, I would say it has been a slow process, as far as they are concerned.

Mr. ANDERSON: I did not hear that statement.

Senator HORNER: I would say, from the fine appearance of the men here today, it is a mighty slow process, if the government are destroying them.

Mr. ANDERSON: There are different ways of looking at that.

As we said before, we are against this Indian Act and the corrupt manner in which the Indian department is handling our affairs. That is something you should know about—and we are against it.



Mr. SMALL: Well, we would like to hear more about this. What are your problems?

Senator HORNER: Give us your complaints.

Mr. ANDERSON: I will bring one incident up for you. I would ask Mr. Burnham to relate his experiences.

Mr. I. A. BURNHAM (*Mohawks*): Mr. Chairman, and hon. members of this committee.

In 1934 my mother-in-law passed away; the girls of the family were in financial distress, and they had pretty near enough money to pay for the funeral in cash. They borrowed \$50 from the council and, in exchange, the council took a chattel mortgage on everything on the place, including the livestock, which consisted of a team of horses, two milking cows, three heifers, one pig and 28 chickens. It brought a total of \$35 for a \$50 loan. I still have a bill for the \$15 we still owe. I did not bring all my papers with me because I did not think I was going to have a chance to express myself here. Mr. Charlton, himself, has had a chance to play a part in this. I wrote him many letters; also, Mr. Don Brown, in 1946, tried to handle it; Mr. George Casselman of the C.C.F. tried to handle it. To date, we have not been reimbursed.

And, it was not too long ago—in 1955—my aunt, Mrs. Margaret Hill, passed away at the hospital. She left a few dollars in the bank. She had one other brother but, as my father was the closest to her, he kept going to see her. It involved many hours of staying with her during the course of eleven operations, which took place in Hamilton. I talked to the woman who signed my aunt's will, Mrs. Mona Staats, and she told me that Mr. James Powless made eleven or twelve trips to her place. She answered the door about seven times and, as she was a bunch of nerves, there were times when she did not. Anyway, Mr. Powless caught her unawares one day; he prepared a statement, and she signed it. I asked her why she signed the statement and she told me that she could not stand any more because he had gone there so many times and bothered her. Then, I contacted Mr. William Hill, a man in the Indian office at Brantford. I came to Ottawa on three different occasions—twice when my father was alive, and once since he died. I contacted Mr. Charlton. I went to see Mr. Pennington, and he told me there was only one solution, and that is to go to court. So, in the meantime, I contacted a lawyer by the name of Mr. Montgomery, who was going to handle it for me. He said there are so few dollars that it would be better to settle it out of court, that it would be to my advantage to take a settlement rather than go through court and incur the high court costs. The case hung fire until, two months ago, I settled it out of court. However, I do not believe that a man in the employ of the department of Indian affairs, who is a relative of mine, and had no business in the estate in the first place, should intimidate people in this regard, for the sake of \$200.

Then, there was another estate before that—the case of my own uncle, Albert Anderson. My aunt begged me to go to Ottawa to see what could be done. I made the trip here, and contacted you. I found out the money had been paid four months previous to my trip down here, and when I got back the money was not there. I have talked to Mr. Brown and Mr. Armstrong, when they were in office. He said this did not surprise him because, as he said, they had councilmen on that reserve who never received a cent of money as long as they lived. I contacted Mr. William Powless, the secretary of the elective council on the estate of my late mother-in-law. He asked what I was trying to do, and if I was trying to make trouble. I was told to go to Brantford to get a record of the account. There was nothing there related to the estate of my late mother-in-law. So, I got hold of the girls, and filed a letter here in Ottawa back in 1936 or 1937—and it is still there, Mr. Jones, if you want to look it up. It is in Mr. Pennington's office. When I talked to Mr. Pennington, he said, "I have walked into a real mess here, but there is



nothing I can do on the estate of the late Elizabeth John, my mother-in-law, as she is now deceased."

I do not mind telling this committee that until we can find some way of handling estates as soon as possible, and abolish this long procedure that has been going on in the past, it is the only way an Indian will get a fair deal from the department of Indian affairs.

Mr. ANDERSON: Do you want some more of that stuff?

Mr. SMALL: You have not established there is anything corrupt in this. There may be a lot of irregularities and unfairness, but nothing that is corrupt.

Senator HORNER: But, it does not look too good.

Mr. SMALL: When you say "corrupt", someone would have had to commit a fraud, and you have not established that anyone in the department got it. You mentioned Mr. Powless.

Mr. BURNHAM: I said he is an employee of the Indian affairs department, and that he should not go around and intimidate a person.

Mr. ANDERSON: My sister-in-law, Mrs. Mary Anderson, died on July 5, 1945. She had given her property to her two nieces, namely, Mrs. Mary Woodbury, who lives close to New York, and another niece by the name of Ruby Green, who lives in Brantford. Now, they both married out of the band, and a year ago last fall this property was sold. The chattels were also sold, but these girls have not a penny for it to this day. What would you call that? Is that justice?

Mr. WRATTEN: Where is the money?

Mr. ANDERSON: Lord only knows.

Mr. WRATTEN: Was it handled by the department of Indian affairs?

Mr. ANDERSON: It was handled by the Indian office in Brantford.

Mr. WRATTEN: What did you find out, John, when this man went to you?

The VICE-CHAIRMAN: As I cannot recall every detail that far back, I would rather not say, because I might get some of the details mixed up. I could not possibly remember that far back.

Mr. WRATTEN: Well, if these people have a legitimate claim against the department, or somebody in the department has the money, and this has gone on and on, I do not think we are doing justice to these people. It should be looked after and administered right away. In this way, we are only looking for trouble.

Mr. ANDERSON: I have a copy of a lady's will here.

Mr. JONES: The matter of Indian estates, few years ago, was of great concern to us, and we put in practically a new estates division. We brought in Mr. Pennington from the outside, and hired estates clerks. Since that time we have had a permanent estates clerk working in the Brantford office, because there were a lot of unsettled estates there. That clerk has travelled back and forth to Ottawa to consult our lawyers to regularize some of these estates. Here are some statistics which might be of interest. In 1954 our estimate of unsettled estates was 10,500.

Mr. WRATTEN: Is that on the reserve?

Mr. JONES: No, across Canada. And the number of estates closed since July 4, 1954, is 4,300. The reduction in the backlog is 5,200, and according to our present estimate we still have about 5,300 unclosed estates.

We have hired lawyers, and estate clerks to do the leg work, and I think we have always had one full time man working in the Brantford office, because there have been a number of estates there which were difficult to close, because they were interlaced with old estates which have not been closed and without a proper description of the land.

But I am hoping that the situation will become better before long, because we have a trained legal staff handling these things. I shall be glad to look into any estate that has been referred to and see if I can find out what the trouble was.

You mentioned Mr. Powless. He was a chief of the Six Nations, and we took him on our staff, and he is now an Indian agent. Before that he was chief of the band.

Mr. BURNHAM: Mr. Powless at that time was a clerk in your office at Brantford?

Mr. JONES: He was formerly a chief.

Mr. BURNHAM: Yes, and he moved into your office at Brantford. I talked to Mr. Hill and Mr. Pennington, and I was told that there was only one man in charge of estates in Brantford, and that it was Mr. Hill. I spoke to Mr. Hill and I said "How did Jim get on to my aunt's estate", and he said "The mail came in and he grabbed it, and away he went."

Mr. JONES: We would be glad if part of this delegation would like to come to our office tomorrow to see Mr. Pennington, and senior staff, if there is any misunderstanding.

Mr. BURNHAM: There is no misunderstanding. I have been to Mr. Pennington's office about 15 times with Mr. Charlton, and if we are to get justice by trying to be gentlemen and spending money to come down here to Ottawa—my dad was here to Ottawa, and I came once with my daughter, and I have to spend from \$25 to \$30 every time I come, at least.

Mr. JONES: We are all concerned with the misappropriation of funds. That is serious, and I would like to get to the bottom of it.

Mr. BURNHAM: There was no misappropriation of funds. I am speaking of how the estate was mishandled; and I ask what business he had with the estate when he was a relative of my aunt. Mr. Pennington said he did not know that Mr. Powless was a relative of my aunt's.

Mr. JONES: I got the impression that you had stated that there was misappropriation of funds.

Mr. BURNHAM: No. I said that he would be running to my aunt six or seven times with a letter which he had prepared himself.

Mr. JONES: We would be glad to look into the matter if you would come to my office tomorrow.

Mr. ANDERSON: In the case of misappropriation, what would happen?

Mr. JONES: That was before the Exchequer court some years ago in a case in which Mr. Lemieux was counsel for the Six Nations. But Mr. Lemieux has died, and the case has not been proceeded with since. That is the place to have these cases tested.

Chief LOGAN: Well, while we are on estates, Mr. Jones, I think, If I remember correctly, that the department has handed back the Pauline Johnston estate and given it to the elected council to do with it as they like.

I cannot see how the department could go ahead and do anything like that, when the deed was made out in the name of the confederacy, itself. That is to say, the original deed was from Pauline Johnston for that place, yet the department went and gave it to the elected council.

Mr. ANDERSON: It is their property; why not?

Chief LOGAN: When you are getting into estates, I think you should look into that too.

The VICE-CHAIRMAN: It has been given back to the band, not to the elected council, but to the band itself.

Chief LOGAN: How can they do a thing like that, when the owner of the estate had already given it to somebody else?

The VICE-CHAIRMAN: Well, I am not a lawyer.

Mr. JONES: The estate was impossible to settle, the way the will was drawn up. The department worked for years, and also interested people, and they finally came to a solution whereby the trusteeship would devolve on the council representing the Six Nations Indians.

Chief LOGAN: It might be of interest to find out who had the deed for that place, because when she died she had given the deed to the chief, and she said that it would be theirs when she was through with it. So I do not see how the department could get around a deed like that, even under the Indian Act. I do not see how you people could get around that.

Mr. WRATTEN: Was the deed ever registered in a registry office?

Chief LOGAN: No. We still have it.

The VICE-CHAIRMAN: I am advised that the will laid out certain stipulations, and no matter where the deed was, the actual possession of the deed would not gain possession of the property, I would not think, without the will. It would be the will that you would have to go by.

Senator HORNER: Do you not have your own lawyer in the Six Nations? You have a lawyer, have you not?

Chief LOGAN: Yes, we have one in Toronto.

Senator HORNER: Yes, I think I met him two or three years ago when he was here. He is a very clever fellow, why do you not take your legal matters to him?

Chief LOGAN: I do not know. I do not think we should bother to take our matters to him to fight out in the courts. I think that would cost us too much money. But I thought that was what you people were here for, to get these matters straightened out. If we have to go to court it would cost us money, so why not do it here?

The VICE-CHAIRMAN: We cannot handle individual cases here. We have to handle the Indian situation from one side of the country to the other, that is, from British Columbia to Newfoundland; and we would have to sit here for ten years in order to handle each individual case. We are trying to do what we can to straighten out the whole situation nation-wide, but we cannot take up one reservation or another reservation and deal completely with it.

Chief LOGAN: I wondered if this committee realizes the fact that you are going to have to deal with the Six Nations separately, because they are different from other Indians. I ask you to consider how much difference there is between the Indians of the Grand river and the Indian of James bay. How are you going to make a law which will suit both? I say that it cannot be done.

The VICE-CHAIRMAN: That is a difficulty which we have to face.

Chief LOGAN: Do you not think that a treaty is a law of the land?

The VICE-CHAIRMAN: If such a treaty is made with Canada, it would be.

Chief LOGAN: Did you come here, or did we come here first?

The VICE-CHAIRMAN: We came.

Chief LOGAN: Well, what does it mean?

The VICE-CHAIRMAN: We are all immigrants to this country except yourselves; no matter how far back it goes.

Chief LOGAN: That is right. Now, our treaty is the law of the land, and we are still going by it, and we still have a confederacy council of chiefs, and they



are the only ones who made this treaty; it was not done by the elected council, or by any kind of organization.

I think it would be a good idea to let the confederacy chiefs and its people solve their own problems, and rule their own reservations as their own land, because it is their own land. I think that would be the best solution, because then we could have confidence between Canada and the Six Nations.

Mr. ERWIN LOGAN: I think that Canada being a self governing body, has more or less grown up under Great Britain, and that she would no doubt recognize international law.

The VICE-CHAIRMAN: Of course.

Mr. ERWIN LOGAN: The idea of international law is to get people who speak the same language to become united under the same government for the purpose of mutual protection.

There is one thing which you people cannot deny, and it is this: that even before you people came here, and up until 1924 we had our own government and language, and we still have them today. So, under international law, and if you recognize international law, what is the argument? That is what we cannot seem to figure out.

Senator HORNER: What treaty are you talking about?

Mr. ERWIN LOGAN: I am talking about international law. As a senator, you certainly recognize international law, do you not?

Senator HORNER: I do not recognize a treaty drawn in 1600 with a colony which is no longer existent. You have not told me of any treaty that you have with the Canadian government.

Mr. ERWIN LOGAN: Your answer is the same that Mr. Jones gave, when I asked him that question. He said that Canada only recognizes a treaty made with the Canadian government. So, where does that leave me?

You have yourself said that you recognize only treaties made with the Canadian government.

Senator HORNER: Have you not received help from Canada over the years? Have you not accepted the old age pension and family allowance from the Canadian government?

Mr. ERWIN LOGAN: No, I do not accept family allowance. I have four children, but that is one thing I do not accept.

Senator HORNER: You have for years gone by, and it was surely established that Canada was one country and not split up.

Mr. ERWIN LOGAN: In years gone by Canada has also accepted help from the United States, across the border. But does that make you an American citizen?

You accept help from the Americans right now. The Canadian government is more or less under the protection of the United States. But does that make you an American citizen?

Senator HORNER: No, it does not.

Mr. ANDERSON: Personally, I am much surprised to hear Senator Horner speak this way and to talk about our children's allowance. What a petty thing it is when compared to what we have given to you!

Mr. SMALL: Let us get back to this question of treaty. You complain that you have a treaty with the Six Nations. Are you speaking for the whole band of Indians across Canada? What about the other 170,000? And when you speak of international law, are you purporting to speak for all the Indians, or for only a segment?

Mr. ERWIN LOGAN: I am speaking for the Six Nations.

Mr. SMALL: But the treaty is for a body of people.



Mr. ERWIN LOGAN: No sir. I refer to our treaty which was between the Six Nations of the Iroquois confederacy, and the government. I have not been speaking on behalf of the Ottawas, the Micmacs, or anybody else. I am just speaking for the Iroquois and the Six Nations.

CHIEF LOGAN: That is our problem to solve. I understand that you people do not recognize our treaties. Is that right?

Senator HORNER: What treaty?

CHIEF LOGAN: The Six Nations treaty.

Senator HORNER: The 1600 treaty?

CHIEF LOGAN: It does not make any difference. We would like to get a written statement from you, because we shall have to go some place where we can get a deed. It is no use. We cannot accomplish anything the way you are going on about it.

You are in no hurry. You understand about treaties. It may be that you have studied about them more than I have, and if so, I could not deny it. But now you do not even recognize our treaties. So we shall have to have a written statement to the effect that you do not recognize them any more. Can we get such a written statement?

The VICE-CHAIRMAN: I am sorry, but I did not hear what you said. I was talking to Colonel Jones.

Senator HORNER: He wants to get something in writing.

Chief LOGAN: According to Colonel Jones you do not recognize our treaties. He just said that he did not recognize our treaties, because we have no treaty with the Canadian government. Therefore he does not recognize our treaties. Now, we wish to have a written statement to the effect that you do not recognize them any more.

Senator HORNER: That is what we are dealing with now; it is under the treaty of 1874.

Chief LOGAN: No, it does not make any difference, just as long as the Six Nations made this treaty.

Mr. SMALL: Under what treaty do you deal with the United States as a sovereign body?

Mr. ERWIN LOGAN: It is the Two-two-wampum belt.

Mr. SMALL: They do not recognize you as a sovereign body, do they?

Mr. ERWIN LOGAN: Yes, they do. I refer to the first treaty that was made with our forefathers. Have you ever seen that two-two-wampum belt?

Mr. SMALL: No.

Mr. ERWIN LOGAN, Jr.: On that belt there are two rows of oars, and they run parallel; they never cross. That means that you are to stay in your boat, and that I shall stay in mine. That was the first treaty your government ever made with us.

Senator HORNER: What was the date?

Mr. ERWIN LOGAN: The date was 1664. Are you so ashamed of your forefathers that you will not recognize their treaty?

Senator HORNER: That was handled within the United States of America.

Mr. WRATTEN: I was interested; does the United States recognize the Six Nations as a sovereign state?

Mr. BURNHAM: Yes, I can answer that question, because I live there. It is incorporated in their constitution that the treaty shall be followed today just as it was during the period of the confederacy.

Mr. STEFANSON: Do you receive any financial aid from the United States, as a sovereign state?

Mr. BURNHAM: Oh yes. Under the big power project going up right now, it is a question of one sovereign nation versus the United States government, represented in New York state. Mr. Moses, the man who is running the job, came up and he stated that he thought that it would be very beneficial for the Tuscaroras to accept their offer. But the Indians said no. This land is not for sale.

Then he said we will have to go to the limit of the courts. And during the course of this argument, it has been very interesting and very educational to find that they finally got a decision from the Supreme Court that they could take the land. But the money was to be paid on the basis of their offer.

They have only taken 550 acres out of 1380 acres that they wanted. They were not satisfied, but the chairman of the committee on finance for the dam project said that they were not going to give this money up until they had ironed out all the technicalities, as far as the Supreme court was concerned, in relation to the Indian treaties.

The Indians had representative Gillan going to bat for them, because the suggestion had been made that it could be done cheaper without touching the Indian land at all. I think that was the reason that New York was interested in it, because the project was not going to help New York, but it would help the state of Pennsylvania, while the flood control would be in the state of New York.

Mr. STEFANSON: Do you come under the social legislation in the United States?

Mr. BURNHAM: No.

Mr. STEFANSON: Do you receive any social aid?

Mr. BURNHAM: No.

Mr. STEFANSON: Are you considered to be an American citizen?

Mr. BURNHAM: No. I am not. I am a ward of the government. And during the course of the trouble on that reservation it was amusing to see the state trooper located down the road, and if he wished to serve a summons on the reserve, the United States marshall would serve the summons, while the state trooper would not go on to Indian land. He would stop right in the centre of the road, because the Indians over there feel that this was New York state land, and that it goes as far as the Indian boundary and then it stops, because the Indians are wards of the federal government, and not wards of the state of New York.

Mr. ERWIN LOGAN: That should explain a lot about the way we feel concerning the Ontario provincial road laws which operate on our reserves. We feel that the province can do anything it likes up until it gets to our boundary line.

Mr. WRATTEN: This gentleman said that he did not receive any social help from the government over there; but surely you are receiving some subsidy in respect to your roads, where you get 50 per cent for your roads and 80 per cent for your bridges and culverts that you put in.

Mr. BURNHAM: Oh no. There is a county road running right through the reservation which is maintained by the county.

The VICE-CHAIRMAN: I am afraid that we are dealing with matters which are not under our control whatever. We are dealing with matters in the United States, and we shall have to confine our remarks to Canada, I am afraid.

Mr. WRATTEN: We are trying to find out if these people have a legitimate claim on what they say they have.

The VICE-CHAIRMAN: I appreciate that.

Mr. SMALL: Are they considered as a sovereign body in the United States? It is a question of the autonomy of the United States, and I agree with Mr. Burnham that they did go to court to establish that the United States had the right; but it was set out by the court that it was not a sovereign body dealing with a sovereign body. Rather, it was said that it was a sovereign body dealing with a subject body. They cannot take anything from them but they can expropriate and pay them for it.

Chief HILL: Why do we have to depend on the provincial government for welfare or anything like that when we have trust funds? We have a trust fund set up for indigent people on our reserves. There were land leases—land leased out at Brantford—which provides for this.

The government at one time used our funds but were supposed to return them. Take for example the case of the Cayugan arbitration which involved American dollars which were supposed to be paid back by the United States, and it took them approximately 80 years to collect, and they finally settled for \$100,000 which is now in the trust fund here. I believe Mr. Jones knows about that.

These treaties and documents said that we had the right to hunt and fish in all these rivers and creeks. They said we had the first right. We had the rights of cutting the trees on all our reservations and territories.

One of the first stipulations that King George III made was that they were only to dig the depth of a plow, but when they wanted to dig a cellar they would have to get permission from the Six Nations council.

I believe the people of Canada have taken a lot of wealth out of our territories. Why should we have to go to the provinces and this little government here for help? What is wrong with our Indian affairs branch, and what has happened to the funds that are supposed to be coming in from all these territories of ours? I would like to see a royal commission set up to go over these documents and treaties, and to also study our land leases.

Mr. WRATTEN: I believe that Mr. Jones will agree that the revenue from these trust funds that have been set up has been used on the reserves.

Mr. JONES: That is correct.

Mr. WRATTEN: That is what the elected council is using the funds for. They use them to administer the reserves.

Mr. JONES: That is correct.

CHIEF HILL: Why does the government of Ontario have to become involved in it?

Mr. WRATTEN: When the government of Ontario contributes, that gives you more money.

CHIEF HILL: The government of Ontario does not have to contribute unless it feels it must repay what they have taken out of the ground.

Mr. WRATTEN: I am in sympathy with you people. I am not arguing against you.

CHIEF HILL: We must have an understanding, that is true.

Mr. WRATTEN: The money that the government of Ontario contributes to your fund helps you that much more. I do not think this government does this because it feels it has to, but they do it. This is a provincial-wide welfare project and you are part of the province.

CHIEF HILL: Is it true that the governments of Ontario and Canada are conducting plans to throw all the reservations over to the province?

Mr. WRATTEN: I do not know anything about that.

The VICE-CHAIRMAN: There has never been any information given in that regard.

CHIEF HILL: It seems to me that it is leading up to that. I am told that there is some idea of cutting up the reservations. What are they going to do with the reservations in each county? Take Brant county; what section of the reservation is in that county?

Mr. WRATTEN: There has never been anything come up in Brant county about cutting up the reservations, I know this because I have sat on most of the council meetings. We have always had the best cooperation down there with the people on the reserve. Certainly there has been nothing come up about cutting up the county.

CHIEF HILL: Take the case of the property they sold to Safeway or some other store; they had no right to sell this property. They had no right to sell this property.

Mr. WRATTEN: Was that sale not taken up with the people down there?

CHIEF HILL: It was taken up many times. It was put before the council about three times.

Mr. SMITH: It was taken up six or seven times.

CHIEF HILL: It was considered six or seven times. It was pushed at us, but they never did get a majority.

Mr. ANDERSON: They did not get a majority.

Mr. WRATTEN: They did get a majority.

CHIEF HILL: There was a piece of property there that was worth \$10 million.

Mr. WRATTEN: Well, I do not think that it would be—

Mr. ERWIN LOGAN: Part of that property was sold for—

The VICE-CHAIRMAN: Order, order, just one at a time, please. The reporter cannot get it down. You go ahead Chief Hill.

CHIEF HILL: I mentioned that this property here was worth approximately \$10 million.

Mr. WRATTEN: You are speaking of the property from the boundary of Stanley street up to—

CHIEF HILL: I do not know what the boundaries were.

Mr. WRATTEN: Let us not get carried away on the value of this particular property. I know this property because I played there from the time I was eight years old. That property is not worth \$10 million. As I recall the Indians received \$90,000, did they not?

Mr. BURNHAM: They received \$165,000.

Mr. WRATTEN: They received \$165,000, and if they received \$165,000 for that piece of property they were well paid.

Chief HILL: Did that money go into the funds?

The VICE-CHAIRMAN: Yes, it would, if you received that for it.

Mr. ERWIN LOGAN: You may think it is not worth \$165,000, but they received more than that back from Loblaw's or—

Senator HORNER: We cannot hear.

The VICE-CHAIRMAN: Pardon me, gentlemen, the reporters cannot hear what you are saying and are not able to write it down.

Senator HORNER: Could the young man repeat what he said?

The VICE-CHAIRMAN: Would you repeat what you said?

Mr. ERWIN LOGAN: I think I said that he thinks \$165,000 is too much for that property. I think there were 93 acres there.



The VICE-CHAIRMAN: No, no, that is not what he said.

Mr. WRATTEN: I said that \$165,000 was a good price for the property.

The VICE-CHAIRMAN: Yes, that was a good price for the property. He did not say it was too much.

Mr. ERWIN LOGAN: He thinks that was a good price for the 93 acres, but they did not sell any more than about 4 acres to Loblaws, or Safeways, or one of those big grocery developments there and they got that much back for just the little piece. They have about 90 acres left there.

Mr. WRATTEN: They did not receive that much money for the property alone. They had to improve it by putting in water and sewer services before they could sell it, and I think the Chairman will bear me out in this. A great deal of that land which you are talking about is absolutely no good because it is on a hillside covered with threes, and you cannot build on it or even drive a car up it.

The VICE-CHAIRMAN: They cannot sell it.

Senator HORNER: While we are not too far away from the original question in respect of the Ontario government road, I would like to ask Chief Hill if it is not to his people's advantage to cooperate with the Ontario government in this matter of roads. Are these roads not of great benefit to your people?

Chief HILL: There was a road built down there. I do not know how long ago it was built. There was a road built down there into the Ohsweken territory. Someone should go down and look at that road today. I do not know how much money was taken out of our funds to build that road but you do not have to have a traffic officer to catch speeders on that road.

Mr. WRATTEN: Chief, you must realize that we have got a road that goes from the Cockshutt road down into Newport, and you will know that that road went out in one year for the simple reason that it is clay, and unless you dig it out and put about two feet of gravel in the road to build it up to the Ontario government's specifications you will not have a road that will last. You cannot build a road down there which you do not have to do a lot of maintenance on each year. We have more trouble in Brant township with roads like the Cockshutt road than any other county.

The VICE-CHAIRMAN: Mrs. Jamieson, did you have a remark you wished to make?

Mrs. JAMIESON: You spoke about the funds. I believe there was mention about taking money from the funds.

In 1924 the Honourable Charles Stewart entered into the House of Commons a request that the reservations come under the provinces. In the event of the extinction of the tribes the funds were to go to the provinces; all funds of that type were to become provincial property. Following that there was the proposed integration of the Six Nations. There was an attempt at the integration of the Six Nations which would make them extinct and place into the hands of the provinces all the funds of the people. This is where a great deal of the questions have come from. This is the source of a lot of our questions.

The Minister of Citizenship and Immigration also has a provision for the control of all the people called Indians of the Six Nations. The question remains now: are they integrated since 1951?

The Minister of Education—I believe it was Mr. Dunlop—made a statement that there are no Indians any more. If there are no Indians any more bill 19 would come into effect and the people would be citizens, and then the funds would belong to the provinces.

The VICE-CHAIRMAN: Of course, Mrs. Jamieson, nothing of that kind has come to pass.

Mrs. JAMIESON: It was passed in parliament, and we have the papers. The VICE-CHAIRMAN: By which parliament was it passed?

Mrs. JAMIESON: This was passed by your parliament here, of Canada. I have the papers to that effect. I have these papers.

Senator HORNER: Colonel Jones, do you know anything about this?

Mrs. JAMIESON: I also have a Hansard which says that that was being done. I attribute that act of integration to this bill 191, which would definitely put a great deal into the hands of the Canadians, if the provinces were to integrate the Indian population. The Canadians would get the lands and would have control of the reservations. They would have control of all the funds. I do have that *Hansard*, and I do have the papers before me.

Also Minister Fairclough, the Minister of Citizenship and Immigration, is bringing immigrants into this country. The question that comes to mind is; are you using Indian funds to bring immigrants over here? Are Indian funds being used to bring these people into Canada? That is the question that I have in mind.

The VICE-CHAIRMAN: No, of course that is not the case.

Mrs. JAMIESON: We will watch the papers and we will watch *Hansard*; we will watch everything.

The VICE-CHAIRMAN: My apologies to all press reporters who are here, but you do not believe all you read in the papers.

Mr. JONES: Do you wish me to make a remark in this regard?

The VICE-CHAIRMAN: What can you say in regard to bill 191?

Mrs. JAMIESON: Bill 191 would have been here today if Mr. Montgomery had released it. I went to his office to get it but he would not release it.

Senator FERGUSON: What year was that dated?

Mrs. JAMIESON: I really did not have the paper long enough to say.

This paper of the Honourable Charles Stewart was dated 1924. Yes, it was 1924. He entered this in March and it was passed in June of 1924. The confederacy was to change its status, so that could tie in with bill 191 also. I will get bill 191 for you from *Hansard*.

The VICE-CHAIRMAN: I would ask Mr. Jones if he could comment in this regard.

Mr. JONES: Mr. Chairman, I am afraid I am a little remiss in not following Mrs. Jamieson's remarks as carefully as I might. Was this an order in council that set up the royal commission?

Mrs. JAMIESON: No. The Honourable Charles Stewart entered this in your parliament sessions in March of 1924.

In 1922 Arthur Meighen said they were sympathetic about the Indian people and that they had a tender feeling toward them. He said the parliament of Canada was limited by the treaties with the crown, and that Canada had no power, or was limited in its power over Indians because of these treaties. Because the treaties are the laws of the land, our people abide by them even yet. This is what brings them here today.

Mr. JONES: The dates are a little confusing. I would be glad to look into this.

One thing that was going through my mind was this: as a result of the Star-Chrome case, the governments of Ontario and Canada entered into an agreement which protected the residual interests of the Indians. As a result of the Star-Chrome case in the privy council the proceeds from surrenders of Indian lands became payable to the provincial governments. In order to protect the interests of the Indians, the governments of Ontario and Canada

entered into this agreement which provided for the residual interests remaining with the province, subject to the Indian interests until they became extinct. I am not sure of the dates but that may be what you have in mind. This was done for the protection of the interests of the Indians so that if they wanted to sell their land, they would receive the proceeds.

Mrs. JAMIESON: That is not the case.

Mr. JONES: I am confused as to dates, Mr. Chairman.

Mrs. JAMIESON: The Honourable Charles Stewart was asked if the Six Nations people knew anything about this and he said that they did, and that many of them knew about it. He also said that they accepted it and that it was approved by the Indian people.

When the Indian people became aware of it last year they were surprised because they had known nothing about it. The Six Nations confederacy knew nothing about this at all. They had never been asked about this. More than that—well, we will just let this one go.

Chief HILL: I left some papers over on the reporters desk that I thought would go in here.

Mrs. JAMIESON: I might say that Erwin Logan had bill 191 that I was looking for. I was looking for that paper for a long time. I could not find it. I know about it, but I could not find it. Eventually we did find it. Erwin Logan knows about it.

Chief HILL: These have not been read yet. These papers have not been introduced to the committee. I thought maybe we would get these papers read.

The VICE-CHAIRMAN: If you want them read into the record, you will have to read them. You cannot simply hand the reporter some material and expect it to be included in the report.

Chief HILL: I will have Mr. Smith read them in.

The VICE-CHAIRMAN: What are those documents? What are the documents, Mr. Smith?

Mr. SMITH: This is a report of Bill 191.

The VICE-CHAIRMAN: What is the date?

Chief HILL: It is dated June 16, 1924.

The VICE-CHAIRMAN: All right, continue then.

Mr. SMITH:

An agreement between the dominion government and the government of Ontario respecting Indian reserve lands, on March 24 last, it was discussed in the Commons this afternoon on a resolution, moved by Hon. Chas. Stewart, minister of interior to authorize its confirmation.

The minister explained that under the agreement the dominion retained control of Indian lands as long as any member of a band had the right to sell the land and use the funds for the benefit of the band.

However, when the band became extinct, the remnant of the funds would become the property of the province. The agreement also provides that the province should receive one half of the consideration in the sale, lease, or other disposition of mining claims staked on an Indian reserve.

Mr. Stewart reviewed the history of the dispute between Ontario and the dominion on the subject from the time of the privy council judgment in 1883, when it was declared that the title to Indian lands surrendered to the crown belongs to the province and not to the dominion.

Mr. Stewart, replying to a question, said he could not say all the Indians had agreed to the settlement, but most had. The present legislation was limited to Ontario. The resolution was carried.



The VICE-CHAIRMAN: Is there another page to read?

Mr. SMITH: There is just a statement of the Hon. Mr. Meighen. This is a statement of the Hon. Mr. Meighen, who was at that time superintendant general of Indian affairs, concerning the Six Nations on Grand river as being separated from other lands of Indians in Canada: The following is a speech by the hon. Mr. Meighen in the *Canadian Magazine*, March, 1921.

Mr. Meighen, being the superintendant general of Indian affairs at that time, stated that the policy of the Canadian government towards the Six Nations Indians, since assuming guardianship in 1860, has followed the well-known traditions of the home authorities, one of tender solicitude in respect of their welfare and of preserving absolute good faith with them. In a very brief way, it may be stated that it is claimed in their behalf that the power of parliament to deal with the Six Nations is limited by the international obligations between them and the British crown. In other words, by virtue of treaty rights extending as far back as 1664—especially recognized lately at intervals.

The VICE-CHAIRMAN: Would you hand those up here, Mr. Smith, please. Are there any questions, ladies and gentlemen? Have any of the witnesses any further statements they wish to make?

Mr. ANDERSON: I thought that probably they would like to know why the Six Nations were so against this Indian Act. I thought there might be some questions asked about that.

Senator INMAN: Why are they?

The VICE-CHAIRMAN: Do you want to explain that?

Mr. ANDERSON: No, not particularly, myself—but I could.

The VICE-CHAIRMAN: I think it has been partially explained. Mr. Smith, would you care to explain further?

Mr. SMITH: When this Indian Act was first originated, it was a very good thing as far as the Indians were concerned, because there were only 15 or 20 sections in it, and it dealt mainly with their protection and their welfare. But as time went along, each session of parliament brought an amendment or an addition to it, and finally we had a whole booklet coming under the code of the Indian Act.

If the Six Nations confederacy accepts anything in the Indian Act now, we could even get, perhaps, what we wanted; but the next session of parliament could amend it, or add amendments that would nullify what we had already gained.

That is why the Six Nations is suspicious of the Indian Act. It is not what you do now; it is the amendments of the next parliament, and additions, that do the harm.

The VICE-CHAIRMAN: Of course, what we are trying to do now is help you, I can assure you—though we cannot be held responsible for what some future government may do; at this stage, at least. But it has to come before the whole parliament, to make any change. I do not think that you would find any government making any drastic changes against your people.

Mr. SMITH: When it was introduced in the first place there was nothing governing the ownership of land, or anything like that; but now, according to the Indian Act, we do not even own our land; the title is vested in the crown. That makes a big change to the whole Indian situation.

The VICE-CHAIRMAN: You appreciate this, though, that if you did own your land, you could sell to a white man and there would be no reservation left?

Mr. SMITH: We have already done that, with a considerable portion of it.



The VICE-CHAIRMAN: Yes, that is true. You have location tickets; but you have your own land. You can sell to another Indian, but you cannot sell outside the reservation. That is to protect the reservation for you: I hope you appreciate that.

Mr. SMITH: That location ticket is also subject to cancellation by the minister.

The VICE-CHAIRMAN: Yes; but have you ever had a case where that has been done?

Mr. SMITH: No.

Mr. ERWIN LOGAN: Can you guarantee that it is not going to be done?

The VICE-CHAIRMAN: I cannot, personally, guarantee anything; but I do not think—

Mr. ERWIN LOGAN: That is another thing that worries us; but I guess I may as well come out and tell you that we are not going to vote in your federal elections, because of the simple fact that Mr. Diefenbaker and Mrs. Fairclough both say that we can go ahead and vote, and do anything we want, and we will not lose our treaty rights—and Mr. Jones will even say that—but can they guarantee us that?

If there were a written document that guaranteed that we would never lose any rights of any description if we went to vote—unless that comes about, I do not think you will ever get an Indian to vote.

The VICE-CHAIRMAN: We cannot force anybody to vote. No white person is forced to vote. We do not wish to force anybody to vote; but you have the right to vote, if you wish—that is all. If you do not wish to vote, then we cannot force you to do so.

Mr. ERWIN LOGAN: Then I can take my chances on whether I lose my treaty rights or not.

The VICE-CHAIRMAN: If you cannot take the word of the Prime Minister in Hansard, which is an official document of parliament, and Mrs. Fairclough, your minister, then I do not know what further you can ask.

Senator HORNER: I think it might be written right into the Indian Act, might it not, Mr. Chairman?

Mr. ERWIN LOGAN: There is one thing I wanted to add. Do you remember a year ago, when our delegation was down here, we had a court case pending at that time, and we were not allowed to say anything except the history.

The VICE-CHAIRMAN: Yes; I was chairman of that meeting. The only thing you could not refer to was the subject matter of the court case.

Mr. ERWIN LOGAN: I see.

The VICE-CHAIRMAN: You could have talked about anything else; but you did not feel it was worth while to go ahead with that meeting when you could not talk about what was going on in the court. That would have made it *ultra vires*, and I could not allow it. That is why you are here again today.

Mr. ERWIN LOGAN: If that is the case, the elected councillors will be down here tomorrow from Grand river, and I am afraid they are not going to be able to say anything either, because they have a court case pending now, since a week ago last Tuesday. I think Mr. Jones might know about that, about the Cayugas down there trying to get on the list, and the councillors do not want it.

Mr. SMALL: It is not before the Supreme Court, is it?

Mr. ERWIN LOGAN: I do not know whether it is before the Supreme Court.

Mr. JONES: It is a protest, appealing the ruling of the registrar of Indian affairs on a case of admission to band membership; is that it?

Mr. ERWIN LOGAN: That could be.

Mr. JONES: I am not sure whether or not the judge has made his decision. But that would only affect—

The VICE-CHAIRMAN: Band membership?

Mr. JONES: Band membership of one person.

The VICE-CHAIRMAN: That would not preclude the discussion of almost anything else, but just that one matter that is before the court.

Mrs. VERNA LOGAN: Could I speak?

The VICE-CHAIRMAN: Yes.

Mrs. VERNA LOGAN: A year ago last spring we met Mrs. Fairclough in Hamilton and we had an interview with her. We told her our problem. We tried to talk to her about our history, and she said she did not want to know our history. We did not get too far with her. But we told her what the electoral system is going to do to our system, that it will not support our government. We explained that to her. She told us, "You will have to go back and settle that problem amongst yourselves"—that is what she told us. So we went back to our own territory. We reported to our government and our people what Mrs. Fairclough said. So from there the warriors got together. We marched back in and took over our own council house, where the confederacy chiefs were put in in 1924. We took that over again. We were in there about a week, and what did she turn around and do? She sent the mounties down there at night, at 3:30 in the morning, to beat us up and throw us out.

Could we take her word for anything else, when she goes to work and does a thing like that? I am one person who was beaten up, and many others got a beating in there. I had my arm out of joint by the mounties. Would you treat your own ladies that way?

I am bringing this out for one reason: how can we take her word for anything? I think Mr. Jones knows about that.

The VICE-CHAIRMAN: Yes, I think we all know about it, Mrs. Logan.

Mrs. VERNA LOGAN: That is the reason why we are demanding that we want our own confederacy government there, and we do not want anything to do with the Canadian government, to make any laws for the Six Nations confederacy and their people. I think we can settle this problem that way. Other than that, we cannot. But we will never go by the Indian Act.

The VICE-CHAIRMAN: Are you implying by those remarks that you will not want any help from the Canadian government whatever?

Mrs. VERNA LOGAN: Well, the Canadian government takes care of our funds. That is ours. We have met other people, and what they think of us is this—the Six Nations, each individual gets so much a month treaty money, interest money. How much do I get? I do not get a cent.

As far as going to borrow money from the electoral system—they will not lend you any money if you do not support their government. There is a councillor I know about who is allowed to go and borrow \$2,500, whereas if I went to borrow 10 cents, they would not lend it to me. There is our problem. Thank you.

The VICE-CHAIRMAN: I will ask Colonel Jones to explain the revolving fund, from which you can get loans without going through the council. Colonel Jones will explain that to you.

Mr. JONES: There is a loan fund of \$1 million available for individuals, groups and bands, which can be obtained through application to the Indian superintendent—and then the application will come to Ottawa. So that is available to members of bands, even though the band has a loan fund of its own.

Mr. BURNHAM: Colonel Jones, what happens to anybody on the reservation when they have a fire, when they are completely burned out? Is there any money available to them after they have had a fire that has completely destroyed their house to the ground?

Mr. JONES: Any federal money, do you mean?

Mr. BURNHAM: Any money from the department of Indian affairs?

Mr. JONES: There is no fund available for that.

Mr. BURNHAM: I thought there used to be. They used to allow them \$100, did they not, when they were completely burned out, at one time?

Mr. JONES: First of all, I think it would be a matter for the council. It is a welfare problem for the Six Nations' welfare committee. They have a fund for this. If they were not able to do it, I think the branch would help out with some blankets, some temporary shelter, some food and utensils until they became established.

Mr. BURNHAM: There was a party completely burned out. The man's wife was in the hospital, and the house was burned completely to the ground and now they have no living facilities whatsoever.

Mr. JONES: There is a welfare committee of the Six Nations council, that anybody should address themselves to if they are in an emergency like that.

Mr. ERWIN LOGAN: With regard to this borrowing money business, if that is the case, if we cannot get any money from the council, we can go right past them and go to Stallwood and we can get it from the federal government, is that right?

Mr. JONES: The loan will come from federal funds; that is right.

Mr. BURNHAM: Colonel Jones, back in 1945 and 1946 I was down here with an Indian organization from the United States. We submitted a brief called the Indian defence treaty of America, and I think the week before that the United States deputy commissioner of the interior was here also, Mr. Zimmerman, and in Mr. Zimmerman's remarks to this committee—I read them briefly just the other day—they have allowed industry to come on reservations in the United States and set up, working out long-term leases for industry to set up on reservations, to encourage the Indian people to go to work.

These things have brought about a lot of thought to me in regard to establishing the same purpose on the different reservations throughout Canada. Surely, if that can work in the United States, why could it not work in Canada?

The VICE-CHAIRMAN: That has been discussed before the committee on more than one occasion.

Mr. BURNHAM: To me, it is a step in rehabilitation for all Indians, I think. Thank you.

Senator HORNER: Mr. Chairman, we have had a very full discussion of that.

Mr. ANDERSON: What about the Indian Act? What does this Indian Act bring now? Are you not going to say any more about it?

The VICE-CHAIRMAN: You are not particularly interested in the Indian Act, are you, Mr. Anderson?

Mr. ANDERSON: No, we are not; but we want to show you why we do not want it.

The VICE-CHAIRMAN: We are here to listen to your problems. It is all down in the record now, and I can assure you, personally, that very serious consideration will be given to that which you have brought before us today.

We want to commend you on the way you have handled yourselves in discussion, and in bringing these matters to our attention. You will, of course, realize—I hope—that this is one of many such briefs that we have listened to.



We have discussed many of the problems that you have brought before us today with previous groups, and if you do not think there are as many questions as could have been asked, I am sure it is because they have been discussed before with previous organizations, or previous bands.

We do not want to say to you that we will give every consideration to those remarks which you have made here today. Before you leave, Chief Hill, would you decide whether you want the copy of that?

Chief HILL: I will discuss it with a couple of chiefs.

The VICE-CHAIRMAN: And if you do, take it down to the department and they will make a copy for you.

Mr. ANDERSON: Could I say a word?

The VICE-CHAIRMAN: Yes.

Mr. ANDERSON: This is my own personal opinion. Different people have talked about taking our case to a higher court. I really cannot see anything in that, because of the fact that you have your own judges who are bound by their own governments. Just as Mr. King has done, the judges on a case—he did not refer to the principal argument. And it is the same way with any case we might bring about. At the moment England, the United States and Canada are all interested in Berlin being divided up. Would you consent to a Russian judge to sit on the case to listen to this? I am sure you would not. It would be the same case with our Six Nations. You won't give us justice. We give you our reasons but you pass them by—"you are only Indians, what do you care". You talk about giving us our baby allowance and so on. What is that compared to what you have in this country? If it was not for us you would not have gotten a thing out of it.

The VICE-CHAIRMAN: I am sorry that is the way you feel.

Mr. ANDERSON: It is a fact. It is not the way I feel; it is not an opinion—it is justice. Judge King gave his opinion; but is his opinion final? It is just another opinion.

Mr. SMALL: In the event the chiefs decide they want to submit this, I would make the suggestion that it be incorporated in the record.

The VICE-CHAIRMAN: You mean this booklet. They have not decided yet. Is it the wish of the committee that it be incorporated as an appendix to the report?

Senator FERGUSON: I do not see how we could understand it unless we have a chance to read it.

The VICE-CHAIRMAN: If they decide to submit it to the committee it will be in the report and we will have a chance to read it.

Chief Logan, did you have some other remarks?

Chief LOGAN: Mr. Chairman, I thought I might remind you once more about this. You mentioned the groups and organizations and things like that. You must not forget that this delegation here is a nation, and not a group or organization. We received a letter from the secretary referring to us as an organization. You know very well it is not. Do not forget that we are a nation as a treaty making people.

The VICE-CHAIRMAN: Your brief is different from the other briefs which have been presented to us. I appreciate that and it certainly will be taken into consideration.

Mr. ANDERSON: Might I say one thing further. I happened to be in England in the 1930's on behalf of the Six Nations and I went there on my own passport.

Senator FERGUSON: Your own Six Nations passport?

Mr. ANDERSON: Yes. I wish I had a copy of it.



Chief HILL: I have spoken to the chiefs and they are willing to leave this brief, which is an old brief. We would like to have a copy made of this. Did Mr. Jones say he would copy it?

The VICE-CHAIRMAN: Yes.

Chief HILL: We will get a copy back?

The VICE-CHAIRMAN: You will get the original back and there will be a copy made to go in the proceedings. Is that satisfactory to you?

Chief HILL: Yes.

The VICE-CHAIRMAN: Will you leave that then with Colonel Jones and leave with him the address to which you want it sent.

All right, have we a motion for adjournment?

Mr. WRATTEN: I so move.

The VICE-CHAIRMAN: The committee is now adjourned until tomorrow morning at 9:30 in this same room when we shall be hearing the Union of Ontario Indians.

Third Session—Twenty-fourth Parliament

1960



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on  
PUBLICATIONS DU GOUVERNEMENT

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone  
and  
Mr. Noël Dorion, M.P.

## MINUTES OF PROCEEDINGS AND EVIDENCE

No. 13

WEDNESDAY, JUNE 22, 1960

### WITNESSES:

*From the Six Nations Confederacy:* Mr. Arthur Anderson, Secretary; Mr. William Smith, Assistant Secretary; Chief Emerson Hill; Chief Joseph Logan; Mrs. Murray Jamieson; Mr. Erwin Logan; Mr. Ivan Burnham; and Mrs. Verna Logan.

*From the Department of Citizenship and Immigration:* Mr. H. M. Jones, Director of the Indian Affairs Branch.



Chief HILL: I have spoken to the chiefs and they are willing to leave this brief, which is an old brief. We would like to have a copy made of this. Did Mr. Jones say he would copy it?

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*Appendices*

- Appendix M1 Document submitted by the Six Nations Confederacy entitled  
"The Status of the Six Nations in Canada—their status based  
on history.
- '' M2 Judgment of Mr. Justice King with respect to the Six Nations  
Reserve.
- '' M3 Haldimand Grant.
- '' M4 Simcoe Grant.

## APPENDIX "M1"

## THE STATUS OF THE SIX NATIONS IN CANADA

Their status based on History

1. *Introductory*

1. A true conception of the position in law of the Six Nations in Canada today, cannot be arrived at without considering the relations of the Indians generally with the white race, after the discovery of American and period of earliest European settlements on that Continent; no less can we reach this without seeking the reasons why, in face of the general fact of the gradually disappearing Indian race (a) the Iroquois people today is stronger in number than at any time in its known history, (b) and is still animated by a vitality and tenacity of tradition, (c) even while adopting or accepting changes, having no parallel in aboriginal life, after analyzing the different authorities, and comparing—

(a) Census of the United States, "Indians" (1891) mentions 21 families of stocks of Indians within the area then of the United States, as having since become extinct.

## (b) League of the Iroquois in Canada, 1916-17:

Oneidas of Thames .....	823
Mohawks of Quints .....	1,442
Six Nations of Grand River .....	4,794
Iroquois of Caughnawaga .....	2,219
Iroquois of St. Regis .....	1,622
Iroquois of Gibson .....	133
Iroquois of Lake of Two Mountains .....	217

Total in Canada .....	11,250
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## League of the Iroquois in the United States:

Six Nations of New York .....	2,345
Senecas .....	523
Tuscaroras .....	367
Onondagas .....	560
Oneidas .....	257
St. Regis .....	1,584
Cayugas .....	185
Oneidas of Wisconsin .....	2,675

Total .....	8,496
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Total in Canada and the United States .....	19,746
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From figures contained in report of Thos. Donaldson, Special Agent, 11th U.S. Census, on the Six Nations of New York, it would appear the greatest previous strength of the Six Nations was in the year 1682, when they were estimated to number 13,000 souls. (c) The Six Nations in Canada, impelled by their history, are said to have contributed some 400 men to the C.E.F. during the late war... Those of the Grand River sent every physically fit man.

The known facts: A modern writer dates the Confederacy of the Five Nations between the years 1570 and 1600. They were in New York when Champlain and Hudson entered it first in 1609. The Mohawks had come by way of lake Champlain from the north, the Oneidas from the same direction, apparently leaving the St. Lawrence

at Oswegatchie River and tarrying in that region for a time. The Onondagas also came from the north to where Jefferson County now is, gradually migrating to the Oswego and Seneca Rivers, the Cayugas and Senecas had come from the west by way of the Niagara River, much earlier than this, moving eastward unmolested. The Tuscaroras came from North Carolina about 1714, and were admitted as the six nation in the Confederacy. Their policy and government was directed from the Great Council Fire, at their capital of Onondaga, consisting according to Cusick, the Tuscarora historian, of fifty nine principal chiefs, namely nine Mohawks, nine Oneidas, fourteen Onondagas, ten Cayugas, eight Senecas and nine Tuscaroras. There were also assistant chiefs. One feature among them should not be overlooked, the rank and great influence of women. Some New York treaties bear their names. The children followed the mother's clan and nation, and the chief women had the power of naming principal chiefs for their clan or family. Speeches were made in the Council for them, but not by them. Peace or war, matters of general welfare, often rested on their decision. (a)

(a) Summary from Beauchamp.

#### Partman says of the Six Nations:

"Foremost in war, foremost in eloquence, foremost in their savage arts of policy, stood the fierce people called by themselves the Hudenosauness, and by the French, the Iroquois, a name which has since been applied to the entire family of them, which formed the dominant member. They extended their conquests and their depredations from Quebec to the Carolinas, and from the Western prairies to the forests of Maine. On the South they forced tributes from the subjugated Delawares, and pierced the mountain vastnesses of the Cherokees with incessant forays. On the North they uprooted the ancient settlement of the Wyandottes, on the West they exterminated the Eries and the Andastes, and spread havoc and dismay among the tribes of the Illinois; and on the East, the Indians of New England fled at the first peal of the Mohawk war-cry. Nor was it the Indian race alone who quailed before their ferocious valour. All Canada shook with the fury of their onset; the people fled to the forts for refuge." (a)

Nor were they all fierceness and mercilessness. Mrs. Grant of Laggah, the Scottish Authoress who knew them in America before the Revolution admiringly describes them as "Ever brave and ever faithful."

(b) The Jesuit Relations refer to their extraordinary kindness to children and other fine qualities. Mr. Horatio Hale describes their excellent custom of adopting captives and defeated tribes. Their services to Britain and the British Colonies were invaluable. It is of this people, seeking to preserve their long established rights and liberties, so cherished and upheld by them as a dependent, yet free and ever unconquered protectorate in alliance with the British Crown, that these words are written.

(a) Conspiracy of Pontiac, p. 7, 8.

(b) Memoirs of an American Lady, P.

## THE EARLIER DOCTRINE OF CHRISTIAN EUROPE

as to Aboriginal rights.

*Infidels Possess No Rights:*

2. The Genoese, Christopher Columbus, had arrived at the Court of Spain in March, 1493, with the astounding news of the discovery of the New Continent. The medieval love of adventure, which found its expression in the Crusading Spirit, had taken a new shape under the inspiration of the awakening curiosity of the Renaissance; and Columbus under the auspices of Ferdinand and Isabella had gone forth in quest of new regions which might be added to Christendom. With the knowledge of existence of this new land, the Spanish monarchs thought it wise to secure a title to all that might ensue from the new discovery. The Pope, as Vicar of Christ, was held to have authority dispose of all lands inhabited by the heathen, and without their consent, and by Papal Bulls the discoveries of Portugal along the African coast had been secured. The Portuguese showed signs of urging claims to the New World as being already conveyed to them by the Papal grants previously issued in their favor.

## THE BULLS OF 1493

3. To remove all cause of dispute Ferdinand and Isabella at once had recourse to Pope Alexander VI, who issued respective rights of Spain and Portugal. In the first, the Pope granted to the Spanish Monarchs and their heirs, all lands discovered or to be discovered West and South of an imaginary line, drawn from the North to the South Pole, at the distance of a hundred leagues westward of the Azores and Cape De Verde Islands. In the light of our present knowledge we are amazed at this simple means of disposing of a vast extent of the Earth's surface, (a) but must remind ourselves that no one grasped the importance of the new impulse which Europe had received, and that the Pope's solution of the difficulties likely to arise between Spain and Portugal was sufficiently accurate for the knowledge of an age, which recognized all heathen and unbelievers as Infidels and possessed of no rights or possessions, which a Christian was bound to recognize.

*Isabella, friend of the Indians*

4. It must be here remembered to the credit of Isabella that in after days, when slavery and an intolerable bloody and brutish oppression had turned the paradise of New Spain into a shambles, she fought almost single-handed, and with an ethical sense far in advance of her day, against the system of slavery practiced by Spain upon the inhabitants of the New World. (b)

*Alleged right of Discovery.*

5. Spain and England were foremost in availing themselves of new discoveries. Spain thought only of material and theological aggrandizement of getting gold, and converting heathen to her own temporal and spiritual glory, and she was ready to shed innocent blood in the latter case as in the former. England, without her rival's

(a) Hist. of the Papacy. Creighton, London, 1911, p. 196.

(b) Christopher Columbus, Young, London, 1906, p. 261.



religious interest and bigotry, was as intent upon winning wealth through territorial and commercial usurpations. Though not a few of the actual discoverers were generous, mannanimous and kindly men, having in view an honourable renown; based on opening fields of life and prosperity to future ages, yet the Monarchs and the Trading Companies that stood behind them exhibited an unvarying selfishness and greed. The New World was to them a field for plunder only. Each aimed to own it all, and to monopolize its produce. Inscitably, the divergent interests came into collision, but the conflict thus provoked was necessary to the evolution which Providence was preparing. During the next thirty years after Columbus's discovery, such men as Amerigo Vespucci, the Cabots, father and son, Balboa, and Magellan, crossed the sea and visited the new domain.

#### *English Settlements.*

6. Spain had been having the best of the bargain. She had fastened on the West Indies, Mexico and Central and South America, and had found gold there in abundance. She bade the other nations keep hands off, and through Spain could not be ousted from her vantage ground, there were already Englishmen of the Drake and Ferbisher type, who bethought themselves there might be gold in the more northerly as well as in the central parts of the continent, and they turned to seek it there. So Sir Walter Raleigh and his companions, hunting for gold along the Northern Atlantic seaboard, took the first steps towards founding the first English Colonies in North America. Queen Elizabeth was on the throne of England. More than ninety years had passed since Columbus had landed on his Caribbean Island. It was in Elizabeth's reign (in 1558) that England first ventured to assert herself as a nation in the new found world. In 1576 and the two succeeding years, Martin Frobisher went on voyages to Labrador and neighboring regions.

#### *Newfoundland. (1583)*

7. In 1579, Sir Humphrey Gilbert had obtained a Patent empowering him to found a colony somewhere in the North. He was a step-brother of Sir Walter Raleigh. Gilbert again went out in 1583 and reached St. John's Newfoundland, where he erected a pillar commemorating the English occupation and so Newfoundland is known as the first British Colony. Sir Humphrey drowned in a storm on his way home. Sir Walter Raleigh remained to carry on the work and in 1584 began it.

#### *Virginia, (1585-1607)*

8. In 1585, Raleigh sent upwards of one hundred colonists under command of Sir Richard Grenville. They landed on the Island of Roanoke in the now State of Virginia, and were well received by the native tribes, who thought they were immortal and divine, because they were without women and possessed gun-powder. Within a few days after their landing the English quarrelled with the Indians. This colony and its successor perished. Captain John Smith in 1607 became Governor at Jamestown. He had a Charter granted by King James. It covered a territory bounded on the North by the St. Croix River, and on the South by Cape Fear, extending westward indefinitely. It was called Virginia. It was divided into two approximately equal parts. The Northern division was given in

charge to the Plymouth Company, and the Southern to the London Company, both mercantile and colonizing organizations.

*The Great Patent of New England (1620)*

9. In 1620 came the Pilgrim to Plymouth Rock. The Great Patent of New England, granted by King James in this year, to the Council at Plymouth, in England, (and which was by the Patent incorporated by the name of "The Council established at Plymouth, in the County of Devon for the planting, ruling and governing of New England in America.") recited that the King's Subjects; had "taken actual possession of the Continent mentioned in the Patent, in the name of the King as Sovereign Lord thereof; that there were no other subjects of any Christian King or State, by any authority from their sovereign Lords or Princes actually in possession of any of the lands between the degrees of Forty and Forty eight; that the country being depopulated by pestilence and devastation, the appointed time had come in which Almighty God had thought fit and determined that those large and goodly territories deserted as it were by their natural inhabitants should be possessed and enjoyed by such of his subjects as should be conducted thither that settlement would tend to the reducing and conversion of such savages as remained wandering in desolation and distress, to the enlargement of the King's dominion. The grant was all of the Continent between the Fortieth and Forty eight degrees of North latitude, and length by all the breadth aforesaid throughout the mainland from sea to sea, providing the same or any part, be not actually possessed or inhabited by any Christian Prince, and was to be held by the Corporation of the Crown in free and common socage, and with absolute power of legislation and government over the whole country, and with a complete monopoly of its trade."

(a) See Kent's Commentaries, Vol. 3, p. 389.

*Coke's Pictum (1607)*

10. The point of view in the mind of Pope Alexander the Sixth, in 1493, prevailed in the attitude of James the First of England, one hundred and twenty seven years afterwards; but indeed this indicted no narrow or peculiar conception in either man, of the rights of the native peoples of America. The Great Coke, with name so well known and respected in the history of English jurisprudence, had solemnly pronounced in the year 1607, in Calvin's case; (a) "that all infidels are in law perpetual enemies, (for the law presumes not that they will be converted, that being a remote possibility) for between them, as with the devils, whose subjects they be, and the Christian, there is perpetual hostility and can be no peace."

*The Massachusetts Rule. (1633)*

11. Even the conscience burdened Puritan, did not hesitate after settling in Massachusetts and establishing a Court there for the government of the country, to enact in (1633) (b) what is but little better. "That what lands any of the Indians in this jurisdiction have possessed and improved, by subduing the same, they

(a) Coke's reports 1.

(b) Laws of the Col. and State Govts. relating to Indians, Washington, 1832.

have just right to, according to that in Gen. 1, 28 and Chap. 9, 1; and Psal. 115, 16. And for the further encouragement of the hopeful word amongst them, for the civilizing and helping them forward to Christianity, if any of the Indians shall be brought to civility, and shall come among the English to inhabit, in any of their plantation, and shall there live civilly and orderly, that such Indians shall have allotments amongst the English, according to the custom of the English in like cases."

In other words, the Indian had no recognizable right to any lands except what was allotted to him by the English, after he had cultivated the same. But, evolution is a law, in human affairs and relations as in nature, and a change impended.

In addition to the instructions issued to the various Royal Governors, there were between the years 1683 and 1758, no less than thirty three Acts passed in the original thirteen colonies of Great Britain in North America, regulating intercourse with the Indians, imposing penalties on the Whites for infringement of these laws, and invariably directing that no lands were to be taken from the Indians except such as were acquired by fair purchase by the Colony at a public assembly of the Indians, and while many of these laws became of no effect in consequence of the Royal Instructions of July 10th, 1764 the better features of these Acts were perpetuated under these instructions and the regulations thereby set up (a).

#### *Chief Justice Marshall's Dictum*

20. This second phase of the relations between the Crown and the Indians was exhaustively reviewed by Chief Justice Marshall in the case of *Johnson versus McIntosh* (b) in the Supreme Court of the United States, ever since considered authoritative.

(a) *Laws of the Colonies relating to Indians*, Washington, 1832, N.Y. Doc. Vol. 7 p. 637.

(b) 8 Wheat, 843.

Chief Justice Marshall said: "that usually the conquered population are incorporated with the victorious nation. The new and old members of society mingle with each other, the distinction between them is gradually lost and they make one people. When the conquest is complete and the conquered inhabitants can be blended with the conquerors, or safely governed as a distinct people, public opinion which not even the conqueror can disregard, imposes these restraints upon him, and he cannot neglect them without injury to his fame, and hazard his power. But, the tribes of Indians inhabiting this country were fierce savages whose occupation was war, and whose subsistence was drawn chiefly from the forest. To leave them in possession of their country, was to leave the country a wilderness, to govern them as a distinct people was impossible, because they were as brave and as high spirited as they were fierce, and were ready to repel by arms every attempt to their independence."—

What was the inevitable consequence of this state of things? The Europeans were under the necessity either of abandoning the country, and relinquishing their pompous claims to it; or of enforcing those claims by the sword, and by the adoption or principles



adapted to the condition of a people with whom it was impossible to mix, and who could not be governed as a distinct society or of remaining in their neighborhood and exposing themselves and their families to the perpetual hazard of being massacred—

"The law which regulates and ought to regulate in general, the relation between the conqueror and the conquered was incapable of application to a people under such circumstances. The resort to some new and different rule, better adapted to the actual state of things was unavoidable."

#### *U.S. Supreme Court Decision.*

21. In a series of decisions since *Johnson V McIntosh*, the Supreme Court of the United States has held *an Indian nation such the Six Nations, was a state a distinct political society, capable of managing its own affairs and governing itself and that they had been uniformly treated as such since the settlement of America, that this relationship to the government as domestic independent nations resembled that of a ward to his guardian. (a)*

#### *The Cherokees*

In the case of *Worcester V State of Georgia (b)*, the Supreme Court in discussing the position of the—

(a) *Cherokees Nation V State of Georgia*, 5 Peters I.

(b) 6 Peters, 515.

Of Virginia and Maryland, it was agreed that there should be peace between these colonies and the Indians in friendly relations with them and that Indians committing depredations should be delivered up for punishment. There was some difficulty adjusting matters with Maryland, for members of the Five Nations were accused of killing and taking prisoners from these settlers, stealing horses and cattle and robbing houses, to which charge the Sachima replied that the Indians doing these things were "drunk" in their capacity, void of understanding, and out of their senses when they committed that evil, and they asked that they be forgotten. The agents of the colonies pressed the matter and demanded whether the belts delivered would wipe out the blood spilt, to which the Oneidas and Cayugas replied they "were after the fashion of a pledge to the answer of what they had spoke to us, which was but a beginning to what further they had to say."

The agents warned the Indians that peace or war might depend on their answer, and the latter went off leaving the belt lying on the ground, where they lay till the 5th, when they returned saying they had left them there only that they might do a "further treaty" when they would then take them up. The Indians then agreed to pay five hundred beavers for the damage their people had done, and stated that concerning the murders "both chiefs commanders are killed." The agents then said as they understood the Five Nations were "good subjects" to the King, they would this time throw a cover over the blood that had been spilt, on condition that in future the Indians kept out of Maryland. The matter was thus accommodated. (A)

(a) N.Y. Doc. Vol. 3 P. 323, 324.



*Dekanissora's French Efforts*

31. Dekanissora, the great Onondaga Orator, began to be prominent in 1678. He was speaker at Montreal, in 1682, and spoke last at Albany in 1724. His appearance and abilities have often been eulogized. Golden said of him; "He was grown old when I saw him and heard him speak, but he had a great fluency in speaking and a graceful elocution; that would have pleased in any part of the world. His person was tall and well made, and his features, to my thinking, resembled much the busts of Cicero." He was long faithful to the English, though Governor Burnet thought him in the French interest in later life, when he ceased to be Speaker and died in Canada. In September, 1682, Dekanissora wished Frontenac to meet the Five Nations at Ouchoneguen (Oswego). The Indians had been plundering some French canoes further west, and the French refused the meeting, after Father Lamberville, one of their missionaries had written from Onondaga that "Dekanissora loves the French; but neither he nor any other of the Upper Iroquois fears them in the least, and they are all ready to pounce upon Canada on the first provocation. They are gaining men. They have reinforced themselves during this and the preceding year by more than nine hundred warriors." (a)

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(a) Prisoners taken when the Illinois were dispersed. See report of Conference on state of affairs with the Iroquois, at Quebec, 1682, N.Y. Doc. Vol. 9, P. 194

"There (the Iroquois) losses were in fact considerable; but every break was replaced by means of a practice to which they, in common with other tribes, constantly adhered. When their vengeance was glutted by the sacrifice of a sufficient number of captives, they spared the lives of the remainder, and adopted them as members of their confederated tribes, separating wives from husbands, and children from parents, and distributing them among different villages, in order that ties and associations might be more completely broken up. This policy is said to have been designated among them by a name which signifies "flesh cut into pieces and scattered among the tribes." Conspiracy of Pontiac 26. "The Iroquois are the most formidable, they are the most powerful by reason of the facility they possess of procuring arms from the English, and in consequence of the number of prisoners they daily make among their neighbors, whose children they carry off at an early age and adopt."

N.Y. Doc. Vol. 9 P. 281.

*Defiances of French.*

32. Count Frontenac was replaced by Governor De La Barre in 1682, and the latter was instructed to invade the Iroquois country if advisable, and prevent their attacking the Illinois and other Indians in the French interest. On the statement of an embassy from the Five Nations, at Montreal, in August 1683, when the Senecas said the Illinois "must die", De La Barre remained silent, and the French missionaries began to leave the Iroquois towns. War between them and the French seemed imminent in 1684, and the Governor started with nearly 900 men up the river, but by the time he reached Fort Frontenac, had lost many through sickness. There a council was held, when Garangula (Hotreotate) for the Five Nations defied them to do their worst. He well knew the condition of the French and that it was idle to say, so many soldiers were on an errand of peace. He told La Barre, "Our children and old men had carried their bows and arrows into the heart of your camp, if

we warriors had not disarmed them and sent them back." They had plundered the French who carried war-like munitions to their foes. It was properly an act of self-defence, but our warriors have not beavers enough to pay for all these arms that they have taken, and our old men are not afraid of the war." They would trade with whom they chose. "We are born free, we neither depend on Onondio or Corlaer." (a) We may go where we please, and buy and sell what we please, if your allies be your slaves, use them as such." De La Barre was enraged but powerless and the great expedition came to nothing. (b)

33. In the Council of the Iroquois it was thought better to arrange more definitely for protection and Governor Dongan. "We are borne Free." British Protectorate 1684.

(a) As the Governors of Canada and New York were respectively known.

(b) Summary of Beauchamp, P. 229.

#### *Dongan's Tribute*

Had little difficulty in inducing the Onondagas and Cayugas to place all their lands under that of the King of England, though the Indians were careful at the same time to proclaim their status of a free people able to make such alliances as they pleased (a) Dongan also then put the King's Arms up on all the Iroquois castles and the French said he promised them aid. King Louis was displeased at De La Barre's abandonment of the Illinois and sent De Nomville to take his place in 1685. He was to aid the Illinois and humble the Iroquois. Dongan in 1686 wrote home. "The Five Nations are the most warlike people in America, and a bulwark between us and the French and all other Indians—All the Indians in these parts of America are tributaries to them."

(a) Brethren, we have put all our land and ourselves under the protection of the great Duke of York, the brother of your great Sachim. We have given the Susquehanna River which we won with this war, to this government and desire that it may be a branch of that great tree that grows here, whose top branches reaches to the Sun, under whose branches we shall shelter ourselves from the French or any other people, and out fire burns in your houses and you fire burns with us, and we desire that it always may be so, and will not that any of your Penn's people have settlement upon the Susquehanna River, for our young folks or soldiers are like wolves in the woods, as you Sachim or Virginia knows, we having no other land to leave to our wives and children, *we have put ourselves under the great Sachim Charles* who lives over the Great lake, and we do give you two white dressed deer skins to be sent to the great Sachim Charles that he may write upon them that we do put the Susquehanna river above the Washinta or Falls, and all the rest of our land under the great Duke of York, and nobody else our brethren, his servants were as fathers to our wives and children, and did give us bread when we were in need of it, and will neither join ourselves or our land to any other Government than this, and this proposition we desire that Corlaer, the Governor, may send over our great Sachim Charles that dwells over the great like with this belt of wampum, and we give a beaver to the Corlaer to send over this propostion. We also send a smaller belt to the Duke of New York, his brother. And you, great man of Virginia, we let you know that great Penn did speak to us here in Corlaer's house by his agents, and desired to buy the Susquehanna River, but we would not hearken to him nor come under his government and therefore desire you to be witness of what we now do, and that we have already done and let your friend that lives over the great lake know that we are a free people uniting ourselves to what Sachim we please, and do give you one beaver skin.

N.Y. Doc. Vol. 3 P. 347, 503.

## DE NONVILLE'S TREACHERY, 1687

## SUBJECTS

34. In 1687, De Nonville by his treachery in seizing sixty of the Iroquois Chiefs when on a peaceful embassy and imprisoning them at Fort Frontenac, precipitated another war between the French and the Five Nations. it is unnecessary here to chronicle its various phases or events. Parkman writes of it: (a) "Whatever may have been its origin the war was fruitful of misery to the youthful colony. The passes were beset by ambushed war-parties. The routes between Quebec and Montreal were watched with tiger-like vigilance blood thirsty warriors prowled about the outskirts of the settlements. Again and again, the miserable people driven within the palisades of their forts, looked forth upon wasted harvests and blazing roofs. The island of Montreal was swept with fire and steel. The Fur-trade was interrupted, since for months to-gether all communication was cut off with the friendly tribes of the west. Agriculture was checked; the fields lay fallow, and frequent famine was the necessary result. The name of the Iroquois became a byword of horror through the Colony, and to the suffering Canadians they seemed troops of incarnate fiends,—“Their ferocity was equalled only by their courage and address. At intervals the afflicted colony found respite from its sufferings and through the efforts of the Jesuits, fair hopes began to rise of propitiating the terrible foe.” The condition however, was to continue long.

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(a) Conspiracy of Pontiac Vol. 1, P. 68.

35. On November 10th, 1687, the English King addressed his warrant to Governor Dongan, he had formally received the Five Nations—

Nations as his subjects and forbade hostilities against them (a) There would seem no doubt the Indians were never parties to or understood they were to become “subjects” of the King of Great Britain, when they put themselves and their lands under his protection. A modern authority says the Five Nations “probably thought this a mere alliance and treated it as such.” (b) Likely, the Indians cared little what the English called them, so long as they received protection and help. (c)

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(a) Copy of this warrant will be found in N.Y. Doc. Vol. 3, p. 503. It stated: “We have been made acquainted with the late attempt that has been made by the French upon the Five Nations or Cantons of Indians, who from all time have submitted themselves to our Government and by their acknowledgment of our sovereignty are become our subjects—we do therefore hereby charge and require you—we have thought fit to own the Five Nations or Cantons of Indians—as our subject—and resolve to protect them as such!

(b) Beauchamp, p. 234.

(c) “Brother Corlaer, You say that we Five Nations are the King of England’s subjects, well Brother, be it so, but if the French should make a war upon us and molest us as they have, pray let us have assistance in reality and not be deluded with falsehoods as we have been formerly.” Five Nations to Earl of Bellomont, Gov. of New York, May 9th, 1699, N.Y. Doc. Vol. 4, P. 564.

“Governor Dongan’s Envoy to the Five Nations in 1685, asking them whether they refused to obey their lawful Prince, the Onondagas were much shocked and replied: “I have two arms, I extend the one toward Montreal, there to support the tree of Peace, and the other towards Corlaer who has been long my brother. Onontio has been for these ten years my father; Corlaer has been long my brother, with my one good will, but no man has a right to command me!” Wynne’s British Empire in America, London, 1770, P. 404.

About the end of July 1677, a sachem or sagamore of the Nipmunk Indians, with 180 of his men submitted to the English and delivered up Matoonas, the first savage who in that was (King Phillip's) had appeared in arms against the English, we shall once for all observe, that the colonists seemed to have acted all this time, upon principles that self preservation alone could justify. If those Indians were the subjects of England, it was necessary for the Colonies to have had legal power from England for proceeding capitally against their fellow subjects. If they were independent, it will perhaps be difficult to assign a reason why they should be put to death, because in the last case, they could only be prisoners of war. The colonists seemed to have been somewhat apprised of their own doubtful situation, for instead of putting Matoonas to death themselves, they ordered the Nipmunk sagamore to shoot him which he accordingly performed."

Wynne, P. 104, 105.

### *King William's War 1689*

36. England had more than ever the need for the close alliance and aid of the Five Nations. On May 17th, 1689, she declared war against France, and the strength of the "bulwark" formed by them in protecting her American colonies from the inroads of the French, if their local destruction was to be avoided, required careful and constant fortifying. In June, 1690, a French Embassy sent to Onondaga, to draw the Iroquois to the French interest was seized and delivered to the English at Albany. The English spared no efforts in encouraging the Indians against the French, the war went on, there was no security on the—

"After what has been explained it will be sufficient here to say, that, 1st. Doing justice to our faith and honour, by treating the Indians according to the real spirit of our alliances with them: 2nd, that doing the Indians justice in their lands; and 3rd, giving up the idle, useless claim of dominion over them, are points absolutely and indispensibly necessary to be adopted into our politics; unless we have seriously taken the resolution to force our way by war. Until these points are adopted we never shall have Peace."

Administration of the British Colonies, by these: Pownall, late Governor, etc., 5th Edition, London, 1774, p. 248: "instead of executing this trust faithfully, (ex.: trusting to the Indians our civil protection against the frauds of the French; we have used this trust only as a pretence to assume a dominion over them. (under deed of Sept. 24th, 1726). Pownall, Br. Colonies 8 c. 248).

"These brave and free people who gave us our first settlement in this country and have lived with us, except under some temporary interruptions, in a series of faithful alliances." Pownall Br. Col. P. 244.

Barkman, in his "Montcalm and Wolfe," Vol. 1, P. 81, calls the declaration in Art. XV. of the treaty of Utrecht that the Five Nations were "subjects" to Great Britain, "preposterous in itself," though binding on France, whose plenipotentiaries had signed the Treaty—Montcalm, writing to M. De Paulney from Montreal, on 23rd February, 1758, says, "In Me De La Gallisonieres' times, the Governor General had read to the Deputies of the Five Nations in Council, a letter from the Governor of New England who styled them subjects, it shocked them so much that they immediately made their protest, which was received by a Notary, and they affixed their seals or totems to it, and you may have seen by the account of this Embassy, in December, 1756, which I had addressed to you with my dispatch of the 25th of April, 1757, that they fully maintained that independence."

N.Y. Doc. Vol. 10, P. 690.

### *First Combined Invasion of Canada 1690. The War in 1691.*

Island of Montreal, and famine prevailed through Canada. In June, 1690, horrified by the treacherous midwinter attack and



massacre of Schenectady near Albany, a serious attempt was made by the United English Colonies on Canada by way of the St. Lawrence and Lake Champlain failed, chiefly through an outbreak of small-pox.

37. Nevertheless, a small body under Captain John Schuyler made the first united invasion of Canada by the British and the Five Nations. This British support in battle greatly pleased the Indians. It was in November of this year that a commission was given to Aernout Cornellise Vielle, "resident agent among the Indians at their Court of Onondaga." Gerritt Luycasse to act as agent till Vielle arrives (a). On June 1st, 1691, a conference was held between Governor Slaughter of New York and the Sachims of the Five Nations. (b) The Governor warned the Indians against harbouring Jesuit missionaries among them, who were "too subtle" for them and drew the Indians away to the French, and that they must not treaty with the French without particular orders from his government. He also promised if the French came that way the English would be ready to defend themselves and "support you." The Indians replied: "We have been informed by our forefathers that in former times, a ship arrived herein this country which was a matter of great admiration to us, especially our desire was to know what was in her belly. In that ship were Christians, amongst the rest one Jacques with whom we made a covenant of friendship, which covenant hath since been tied together with a chain and always ever since kept inviolable, by the Brethern and us, in which covenant it was agreed that whoever should hurt or prejudice the one, should be guilty of injuring all, all of us being comprehended in our common league—Hearken to us. You have a covenant with us, wherein they of Boston and Virginia are included, which covenant is bound firm with a chain, but sometimes it seems as if you would loosen the bonds of friendship, for when there is the greatest danger, the men that ought to assist us and protect us, go down to New York. We have a tree of Peace and Tranquility in this place, which tree hath shaken and quaked much of late."

(a) Vielle was frequently employed by the English as an Intermediary and he seems to have possessed their esteem for they subsequently made him a grant of land in requital for his services. Beauchamp, P. 238.

(b) N.Y. Doc. Vol. 3, P. 773.

#### Battle of La-Prairie 1691

"establish that tree firm and strong, that in the future it may not be in that wavering condition but immovable. We have now established the tree of Peace and Welfare in this place, now we make the root to the said tree, that it may flourish and the root extend itself as far as the Seneca country—you have enjoined us to be obedient and dutiful, we have never been wanting on our parts, we have shown our readiness when, our brethern at Schenectady were destroyed, by immediately girding ourselves and pursuing of the enemy, and we four nations have positively concluded to prosecute the war with all vigour as you have ordered us as long as we live, and never speak of Peace without the common consent, for we are all one heart, one head, one scalp, which never is to be separate. We four nations have no hand in any treaty or correspondence with the French or their Indians but abhor

the same and we desire that our brethern the Christians keep no correspondence with them by letter or otherwise."

The Sachims then inquired what was to be done regarding the praying Indians from Canada, who came to their country on pretence of making peace, and then treacherously destroyed Schenectady, and the Governor told them these were as much their enemies as the French. The Governor could not tell them how many Christians would go out against the French, but wanted 200 men from the Five Nations which they promised.

38. The expedition against Canada under Colonel Peter Schuyler, then arranged, consisting of three hundred Mohawks and one hundred and fifty English, struck a sharp blow at Fort La Prairie near Montreal, which as a piece of fighting was highly admired by Frontenac, and in the battle, it is recorded, the Mohawks, "upon no occasion," yielded an inch of ground, till the English first gave way, and "not withstanding the loss this year of all their principal captains were enthusiastic for the carrying on of the war. They criticised the English, though, for not giving them sufficient guns with the powder and land distributed, and compared the plentifulness of the French supplies.

#### Winter Attack on Mohawks 1693

39. In January, 1693, the French inflicted severe damage on the Mohawks, when an expedition of some 600 men from Montreal, surprised them in their villages at night, some 18 or 20 were killed, and 280 prisoners, men, women and children captured.

#### Conference—1693

(a) Though Count Frontenac had ordered no quarter was to be given, the French immediately retired, pursued by the Indians, and their retreat lost a number killed, and the most of the prisoners were released. The invaders became perfectly destitute and must have perished had it not been for a rescue party of some 150 men from Montreal, coming to their relief.

40. At a conference with the Sachims of the Five Nations at Albany, on February 25th, 1693, the English blamed the Indians for carelessness, urging them to make a "brisk attempt" on the enemy with "secrecy and expedition." They warned them they had a traitor in their midst. (b) The Sachims in reply, congratulated the Governor on his speedy relief and confessed "the French of Canada, our enemies have felled upon our brethern the Mohawks, and destroyed three castles and we can blame nothing for it but their hearkening to your Excellency's wholesome advice to keep good guard and send out scouts." They asked that an attack on the French might be made by sea, as well as land, and wished for more arms and ammunition. Though many were killed soon after this near their own castles, few of the Five Nations except the Oneidas desired peace.

41. Conference between the Governor-Fletcher and the Sachims of the Five Nations were held at Albany, on June 21st, July 2nd,

(a) N.Y. Doc. Vol. 9, P. 550.

(b) N.Y. Doc. Vol. 9, P. 550.

3rd, and 4th, 1693. The Sachims expressed their regret, their wish to supply "the rooms of those Christians who were killed, with prisoners taken from Canada," but could only get one, whom they delivered to the Governor. Their young men were filled with ardour to subdue Canada, and asked whether there was a design to subdue it by a fleet. They were glad to renew the convenient chain between them and this Government, (New York) but

#### Great Council at Onondaga—1695

43. At the great Council of the Five Nations, held at Onondaga in January, 1695, they refused to send back French prisoners, till their own people held by the French were returned, and would send no Deputies to Canada to treaty for Peace. Their message was: "Onontio, your fire shall burn no more at Cayaraqui it shall never be kindled again. You did steal that place from us and we quenched the fire with the blood of our children. You think yourselves the Ancient inhabitants of this country and longest in possession, yes, all the Christian inhabitants of New York and Cayenquiragoe think the same of themselves. We warriors are the first and ancient people and the greatest of you all. These parts and countries were inhabited and trod upon by us the warriors before any Christian (then stamping hard with his foot upon the ground he said, "We shall not suffer Cataraque to be inhabited again, Onontio, we Canossene do say we will never suffer you to kindle your fire at Cataraque. I repeat this again and again.")"

- (a) Governor Fletcher wrote to the Lords of Trade on May 29th: "Since my last conference with the Indians of the Five Nations at Albany, I find them wholly diverted from hearkening to the Government of Canada, who seem to have a working head and experience, as well as years. The French Count is much enraged at the threat, and threatened hard to destroy their castle at Onondaga for breach of promise and because they did not return to Canada to conclude the Peace he pretends they have made."

#### Peace

44. (b) Evil days however, were approaching for the Five Nations, and Frontenac led the whole available forces of Canada against them in the Summer of 1696. Parkman gives a graphic description of the expedition (c), and the official account of the same may be read in the New York Documents (d). The Indians retired before their foe, and the apparent result of the French effort, was that they lost their time and harvest and the Five Nations their cabins and crops. Even the fierce courage of the Confederacy however, began to quail before these repeated attacks, by the French and in 1697, peace was finally arranged.

Akonosniinni, i.e., People of the Long House.

(a) N.Y. Doc. 4, P. 121.

(b) N.Y. Doc. 4, P. 118.

(c) Conspiracy of Pontiac, Vol. 1, p. 70.

(d) Vol. 1, P. 323.

45. Their rancor however had by no means abated. In October, Rancor. 1696, at a Conference with the Governor of New York (a) they told him *they had heard* the King of England "has canoes of seventy guns apiece and many forces" and implored he employ them in the war.

(a) N.Y. Doc. Vol. 4, P. 239.

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Defenders  
of the Colon-  
ies.

"If the people of Virginia, Maryland, Pennsylvania, the Jerseys, Connecticut and New England who have all put their hand to the covenant chain will join with the inhabitants of this place, we are ready to go and root the French and all our enemies out of Canada". The "protection" promised the Indians by the King, and in requital for which they sacrificed the lives of so many of their people (b) was in the main a device by which the English sought to obtain the trade of the Western Indians, for their own colonies and defend these from the attacks of the French (c). To show how far the Five Nations now strayed from home, it may be mentioned that two Mohawks were this year sent back from England, who had been taken at the surrender of Fort York at Hudson Bay, where these forts formed the centre of the then war between England and France in Canada. The Order in Council providing for the return of these Indians throws a

(b) The Five Nations had 2,800 men at the beginning of the war and in 1698, these had been reduced to 1,320. N.Y. Doc. 4, P. 337.

(c) "These things we humbly desire may be granted, and that the Colony of New York (which by its situation and the course of its rivers, and by the amity and good understanding it has had with the Five warlike Nations of Indians is become a barrier to the rest of the English dominions on the mainland) may receive such reasonable relief and assistance that the English interest may take no prejudice by any encroachment or invasion of the French there". Memorial to Lords of Trade on defence of New York. Nov. 13th, 1696, N.Y. Doc. 4, P. 244.

"The advantages which have attended His Majesty's Plantations on the North continent of America by the steadiness and firmness of the Five Nations of Indians and the River Indians unto the Government of New York are so obvious that they need not be enumerated; they having fought our battles for us, and been a constant barrier of defence between His Majesty's plantations of Virginia and Maryland, and the French, and by their constant vigilance, prevented the French from making any descent that way". Memorial Secy. Indian Affairs N.Y. to Lords of Trade N.Y. Doc. Vol. 4, P. 1067.

The  
Treaty of  
Ryswick,  
1697.

light on the status which the English Government then ascribed to their people (a). The Treaty of Ryswick, September 20th, 1697, brought peace between England and France, the latter recovering Nova Scotia, and three of the forts at Hudson's Bay being allowed to remain in her hands.

Status in  
1699.

46. The Five Nations had a Conference at Albany, with Earl Bellomont, Governor of New York, on May 9th, 1699, and told him:

"You say that we Five Nations are the King of England's Subjects, well brother, be it so, but if the French should make war on us and molest us as they have done, pray let us have assistance in reality and not be deluded with falsehoods as we have been formerly".

At this time both French and English had found it necessary to have permanent Agents representing their respective countries at the Indian Capital of Onondaga (b), and Bellomont urged the building of forts in their country, the great need of which he clearly perceived. A second invasion by the French was planned by Frontenac, but he gave it up, and died late in 1698.

47. On August 4th, 1701, a great Council was held at Montreal, at which all of the Western nations were represented, together with

(a) "His Majesty being informed that two of the four Indians of the Five Nations dependences (of New York and under His Majesty's Protection) that were made prisoners at the surrender of York Fort in Hudson Bay to Captain Allan, are brought up to this town, was thereupon pleased this day to order in Council, that the said Indians be put into the care...etc.  
N.Y. Doc. Vol. 4, P. 258.

(b) Beauchamp, 251.



the Five Nations and the French. At this the Five Nations promised neutrality between the English and French, and prisoners were restored and a general peace concluded with great ceremonies. (c).

(c) Beauchamp, 255.

48. Had the French known of the Conference held by the Five Nations with Lieut. Governor Nanfan of New York on July 14th, and what took place there, it is possible they might not have so rejoiced at this treaty; the first Beaver land trust Deed was given to the English (a). This comprised the land north and northwest of Lake Erie and Lake Ontario the former being often called Sweege, the equivalent of Oswego. Both shores were included and Nanfan described the tract as 800 miles long and 400 broad. It was designed to prevent French claims and was signed by Twenty Chiefs from all the Nations. Nanfan told them they should not have allowed a French fort at Detroit. Most of this great tract was in Canada and the Five Nations said they had taken it from Hurons, Eighty years before. There was a later trust Deed of lands South of the Lake.

Lands  
Deeded  
to  
British  
1701.

(a) N.Y. Doc. 4, P. 898. "We desire that our Secretary, Robert Livingstone may be sent to Corachkoo, the Great King of England to Acquaint how that the French of Canada encroach upon our territories by building a fort at Tjughoghron and to pray that our Great King may use all means to prevent it, else we shall be tied up, we shall not be able to live, they will come nearer us every day with their forts. We do give and render up all that land where the beaver-hunting is which we won with the sword eighty years ago to Coraghko, our Great King, and pray that he may be our protector and defender there and desire our Secretary may write an Instrument which we will sign and seal, that it may be carried by him to the King. We fear that if he does not go, there is so much business this will be only read, laid aside and forgot, but if he goes, we are sure we will have an answer". The importance of this Deed will more clearly appear when the proceedings in connection with the issue of the King's Proclamation of October 7th, 1763, come to be considered.

49. In the formal instrument, dated July 19th, 1701, it recites that: The word  
"Subjects."

"We having subjected ourselves and lands on this side of Cadarochoqui Lake wholly to the Crown of England" . . . "In consideration also that we have lived peaceably and quietly with the people of Albany our fellow subjects above Eighty years when we first made a firm league and covenant chain with these Christians that first came to settle Albany on this river which covenant chain hath been yearly renewed and kept bright and clear by all the Governors successively"

but it is abundantly clear from many other records of the time that the Five Nations in speaking of themselves as "subjects" in no way understood this to signify other than that they were Allies of the English King (b). In fact the events of their tribal history clearly show how inapplicable the term, were their own protests when it was attempted to be explained to them, wholly discarded. At a Conference at Albany on July 15, 1702. (a) with Lord Cornbury, he as Governor assured the Five Nations:

"Ye shall have all the protection favour and countenance imaginable as long as you continue in due obedience and subjection to the Crown of England".

and advise them;

"to continue in a steady affection and friendship with us your brethren and fellow subjects".

(b) See page 29, Note C.

(a) N.Y. Doc. 4, P. 982.

but translated in the light of contemporary records, the term "subjects" as applied to the relationship of the Five Nations to the English Crown, wholly loses its primary significance. The Memorial of Robert Livingstone, Secretary of Indian Affairs for the Province of New York, to the Lords of Trade, already referred to (b) does not so term them, but does emphasize the "steadiness and firmness of the Five Nations—unto the Government of New York", and this expression, and that used in the Order in Council of February 25th, 1696 (c), "the Five Nations dependants of New York and under His Majesty's Protection", would seem to more accurately represent the position of this people towards the Crown of Great Britain at this period, and indeed till that of the Revolutionary War, when they lost their lands in New York. And this local adherence to the Province of New York appears the clearer on perusing the reports of different contemporary conferences, at which the benefits of their "covenant chain" with New York, were extended to other neighboring Colonies. (d)

(b) Note C, P. 36.

(c) Page 37, Note (a).

(d) In a Memorial prepared by the Commissioners of Trade and Plantations in 1697, relating to the right of the Crown of Great Britain to the Sovereignty over the Five Nations of Indians bordering upon the Province of New York, it is stated:—"From the first settlement of the Colony of New York (which we take to be about the year 1610) the Five Nations of Indians commonly known by the names of Moquaes, Oneydas, Cayonges, Onondagues, and Seneges possessing the land to the Westward, and Northwest of that Plantation, have by many acknowledgments, submissions, leagues or agreements, been united to or dependent on that Colony. The said Five Nations being the most war-like in that part of the world, held all, the neighboring Indians in a manner of tributary subjection, they went sometimes as far as the South Sea, the North West passage and Florida to war, and extended also their conquests over that part of the country now called Canada.

N.Y. Doc. Vol. 5, P. 75.

In the Royal instructions to Governor Hunter of New York, 1709, in speaking of the Five Nations, the word "subjects" is again used, but there is nothing to indicate it was more than a convenient mode of expression (a). The Indians were amply under the protection of Great Britain.

Visit  
to Queen  
Anne  
1710.

50. When in 1710, Colonel Peter Schuyler took some River Indians and four chiefs, each representing one of the Five Nations (the Fifth had died) to England, there to rouse interest in the great Colonial Plan for the conquest of Canada the model and precursor of the final conquest under Wolfe and Amherst, they had many and great attentions and were received at Court. With them on their return home, Queen Anne sent medals for the Five Nations and promised better things (b). In his "British Empire in America", Wynne gives a rather full account of this visit of "five of the

(a) N.Y. Doc. Vol. 5, P. 140. "You are to encourage the Indians upon all occasions, so as to induce them to trade with our subjects, rather than with any other of Europe; and you are to call before you the Five Nations or Cantons of Indians, viz., the Maguas, Senecas, Cayugas, Oneydas and Onondagas, and upon their renewing their submission to our Government, you are to assure them in Our name that we will protect them as our subjects against the French King and all his subjects etc." It would seem obvious that were they subjects, the Five Nations would scarcely need to renew their submission.

(b) Visit of three Indian Sachims to the Lords of Trade.

"Three of the Sachims lately arrived from New York coming to the Board, their Lordships acquainted them by their interpreter, Mr. Abraham Schuyler, that they were glad to see them here, and that they would be glad to give them all the assistance possible in anything that might relate to their service, whereupon the said Sachims returned their Lordships thanks, and desired their protection from time to time, as occasion might require".

N.Y. Doc. 5, P. 165. See also Smith's Histo. of New York, 1829, Vol. 1, P. 175.

friendly Indian Kings", and reports their address to Queen Anne (c) remarking;

51. "It was in consequence of this address, the expedition under Col. Hill and Sir Hovenden Walker against Canada which we have mentioned in the history of New England was undertaken. General Nicholson was to command in chief the New York forces: of which besides Indians three regiments were raised, under the command of the Cols. Ingoldsby, Schuyler, and Whiting. They accordingly marched towards Quebec, but upon Walker's miscarriage they returned to New York (d)".

Influence  
on Invasion  
of Canada.

(c) Pages 178, 179. They addressed Queen Anne in the following terms:—"Great Queen, we have undertaken a long voyage which none of our predecessors could be prevailed on to undertake, to see our Great Queen, and to relate to her those things which we thought absolutely necessary for the good of her and of us, her Allies, on the other side of the water. We doubt not but our Great Queen has been acquainted with our long and tedious war, in conjunction with her children, against her enemies the French: and that we have been as a strong wall for their security, even to the loss of our best men. We were mightily rejoiced when we heard our Great Queen had resolved to send an Army to reduce Canada, and we immediately in token of friendship hung up the kettle and took up the hatchet, and with one consent assisted Colonel Nicholson in making preparation on this side of the lake; but at length we were told our Great Queen by some important affairs was prevented in her design at present which made us sorrowful, lest the French who had hitherto dreaded us, should now think us unable to make war against them. The reduction of Canada is of great weight to our hunting; so that if our Great Queen should not be mindful of us, we must with our families forsake our country, and seek other habitations, or stand neuter, either of which will be much against our inclinations. In token of the sincerity of these Nations, we do in their names, present our Great Queen with ten belts of wampum and in hopes of our Great Queen's favour, leave it to her most gracious consideration".

(d) Expedition sailed from Plymouth 4th May, arrived at Boston, 4th June 1711, marched to Canada from Albany, August 28th, 1711, with about 4,000 men, including 1,000 Five Nations warriors. Council of War, 7th September 1711, decided for various reasons to return home, the principal one being the wreck of Admiral Walker's fleet.

Before leaving Albany on this expedition the Five Nations were told by Governor Hunter, any Indian prisoners taken by them were at their disposal, but Christians must be given to the English (a).

(a) N.Y. Doc. Vol. 5, P. 268.

52. Peace finally came between France and England with the signing of the Treaty of Utrecht on April 11th, 1713, and the hatchet was taken from the Indians. A very important provision of this treaty was Articles 15 which made special reference to the Five Nations as a distinct people.

Treaty  
of Utrecht  
1713.

"The subjects of France inhabiting Canada, and others shall in future give no hindrance or molestation to the Five Nations or Cantons of Indians, subject to the Dominion of Great Britain nor to the other nations of America who are in friendly alliance with them. In like manner the subjects of great Britain shall behave themselves peaceably towards the Americans who are subjects or friends of France, and they shall enjoy on both sides full liberty of resort for purposes of trade. Also the natives of those countries shall with equal freedom, resort as they please, to the British and French Colonies, for promoting trade on one side and the other without any molestation of hindrance on the part either of British or French subjects; but who are, and who ought to be accounted subjects and friends of Britain or of France, is a matter to be accurately and distinctly settled by



Commissioners". See Despatch, Duke of Newcastle to Hon. Horatio Walpole, Whitehall, 11th April, 1727, in N.Y. Doc. 9, P. 963, chosen in preference to other versions.

Dispute  
as to  
Status.

It provides a fruitful source of controversy between the Governors of New York and Canada, during the remaining period of the French occupation of that country, as well as between the French and English Courts, in connection with the French claim of right to occupy fortified positions in the Six Nations Country. The English claimed it constituted an acknowledgment of the *Sovereignty of Great Britain over the Six Nations*, and doubtless so it was, so far as concerned France.

53. As pointed out by Marquis de la Calissoniere to Governor Clinton of New York, thirty years afterwards (a) the Indians never acquiesced in the motion, they had by accepting his protection for their lands and persons, submitted themselves as subjects to the King of England. An examination of the records shows the English based their claim that the relationship of the Five, or afterwards Six

(a) August 25th, 1748, N.Y. Doc. Vol. 6, P. 489.

Nations to themselves was that of fellow subjects, principally on the Deed made under date of July 30th, 1684 (a) but an examination of the events of the conference at which this Deed was executed, and of the subsequent history of the dealings of the two peoples with one another, refutes such assertion, and justifies the statement the Indians neither contemplated or understood such alleged status, and that Great Britain over and over again informed them, the continuance of her protection to their people, depended on their punctual renewal and faithful adherence to the treaties of alliance, between the two nations, as will hereafter be shown. At this Conference the Five Nations distinctly asserted their independence as a free people, allying themselves with whom they pleased (b) and however the exigencies of politics may have subsequently led the English to assert

(a) Memorials between the French Ambassadors and English Commissioners about New York affairs, 16th Nov. 1687. "We have also considered the Memorial of the said Ambassador and Envoy Extraordinary of His Most Christian Majesty touching the Iroquois, complaining that Col. Dongan and the inhabitants of New York have furnished them with arms and excited them to make war against the French to which we humbly offer that it may be given in answer that the Five Nations, viz. the Maques, Senecas, Cayugas, Oneidas are your Majesty's subjects as appears by their submissions and acknowledgments made by them from the first settlement in those parts, and more lately by the voluntary submission made and confirmed by them in writing, to the Crown of England, the 30th day of July, 1684, before your Majesty's Governors of Virginia and New York. N.Y. Doc. Vol. 3, P. 508.

(b) "Brither Corlser, your Sacgum is a great Sachim and we are but a small people. When the English came to Manhattan, that is New York; Aragiske, which is now called Virginia and to Jaquokranegara, now called Maryland, they were but small people and we a great people, and finding they were good people we gave them land and treated them civilly, and now since you are a great people and we but a small people, you will protect us from the French, which if you do not we shall lose all our hunting and beavers. The French will have all the beavers and are angry with us for bringing any to you. Brethren—We have put all our lands and ourselves under the protection of the Great Duke of York, the brother of your great Sachim: We have given the Susquehanna River which we won with the sword to the Government. . . ." "And you great man of Virginia, meaning the Lord Wolfingham, Governor of Virginia, we let you know that great Penn did speak to us here in Corlser's house by his agents, and desired to buy the Susquehanna River, but we would not hearken to him nor come under his Government, and therefore desire you to be witness of what we now do and that we have already done and let your friend that lives over the great Lake know that we are a free people uniting ourselves to what Sachim we please, and do give you one beaver skin."

N.Y. Doc. Vol. 3, P. 417, Albany, Aug. 2nd, 1684.



to Europe more than a protectorate over the Five Nations, the fact remains that then and subsequently, the relationship was that of an alliance, based on treaties renewed from time to time, according to the circumstances of the occasion, and which apart from its particular engagements, interfered in no way with the internal affairs or tribal system or organization and mode of government, of the Six Nation people.

54. It is a fact that should not be forgotten by anyone considering these matters, that neither the Province of New York in its Colonial days, nor the Imperial Parliament, of Great Britain ever, passed either act of Assembly or Parliament, by which it was sought to regulate, govern or interfere with the affairs of the Six Nations Indians, and that the first Act of Parliament which ever did so, was that passed by Canada, in 1859, reserved by the then Governor General for her Majesty's special consideration, and which received the Royal assent only on the assurance of the Governor General in his Despatch transmitting a draft of same to England made "no changes whatever in the rights of the Indian Tribes (a). The Royal Instructions for the Management of Indian Affairs of July 10th, 1764 (b) or its amendments promulgated from time to time, and which will be again referred to, imposed no restraints on the Indians, but only on the whites, and provided the methods by which business with the Indian tribes, was to be regulated or controlled. It does not appear very clearly when the provisions of Article 15 of the Treaty of Utrecht, was first brought to the attention of the Five Nations.

(a) Despatch No. 36, Governor General of Canada, Quebec, April 30th, 1860.

(b) N.Y. Doc. Vol. 7, P. 627.

If the purpose in doing so was to obtain an acknowledgment from them they had *surrendered their independence to Great Britain*, their consents on the communication made them would seem to be irrelevant and unsatisfactory, and there is nothing to show they considered their independent condition to be in any way affected, further than any State curtails its liberty of action by its treaty obligations. The terms of the treaty or "Covenant Chain" between the Six Nations (a) and the English had been exactly defined at a Conference between Governor Hunter of New York and the Sachims of their people, at Albany, on June 13th, 1717. It clearly constituted an alliance of the nature of a Protectorate and nothing else (b)

(a) Now become the Six Nations. On 25th September 1714, the Sachims of the Five Nations addressed Governor Hunter of New York, saying: "Brother Corlaer: We acquaint you that the Tuscarora Indians are come to shelter themselves among the Five Nations. They were of us and went from us long ago and are now returned and promised to live peaceably among us, and since there is peace now everywhere we have received them do give a belt of wampum. We desire you to look upon the Tuscaroras as those have come to live among us, as our children, who stay obey our commands and live peaceably and orderly".

N.Y. Doc. Vol. 5, P. 787.

(b) N.Y. Doc. Vol. 5, P. 484. Governor Hunter speaking says:—"We are met at this place by order of the King of Great Britain, my master... In the same public and solemn manner I here in his name and by his command renew the ancient covenant with the Five Nations, promising on his part that all the known conditions of the said covenant shall be duly and punctually observed, so long as you shall honestly and faithfully perform what has been in all times hitherto, been promised and performed on yours. And, to prevent all mistakes on this head, I must remind you what has never been meant and understood by you as well as us, by the covenant chain, that is that on the one hand the subjects of His Majesty on this continent, should not only refrain from all acts of hostility or anything tending that way towards you, but really assist you when attacked by

(Continued on page 1218)

and while the Indians there spoke of themselves as the King's subjects, it would seem doubtful whether they meant more than a repetition of the Governor's words, for the context of the whole report, shows the inapplicability of the phrase, a matter of ordinary occurrence in the expression used in these conferences.

In 1719.

55. On August 3rd, 1719, Mr. Phillips writes to Mr. Secretary Popple (a).

"As the Lakes are in some measures a barrier betwixt our Colony of New York and them (the French) so we pretend they have no pretensions on our side of the lake; and for the other part, as the Five Nations of Indians.....who have so long been in alliance with the Crown of Great Britain lie betwixt us and them, we have all along asserted the sovereignty of their country to belong to us. . . ." "Unless some speedy barrier be found to prevent it, the five above named nations who are proprietors of a large and valuable country and the barrier betwixt us and the French, will be totally lost. . . ."

(a) N.Y. Doc. Vol. 5, P. 530.

In 1724.

56. On June 17th, 1724, the Lords of Trade wrote Governor Burnet (b) that as he seemed,.....

"Truly sensible of the great utility these Five Nations are to the British interests in America, so we do not doubt you will continue to pursue the proper methods to prevent their being seduced from their dependence on the Crown of Great Britain.

(b) N.Y. Doc. 5, P. 706.

57. The records of the Conference held between Governor Burnet and the Five Nations, at Albany, on the 7th September, 1726, afford some light on the views of the people regarding the effect of the Treaty of Utrecht on their relations with the English. On this occasion the 15th Article of the Treaty was read and translated to them, but while they protested vehemently against the erection by the French of a fort at Niagara, the matter of the alleged subjection to the Crown of England was unnoticed, and it can scarcely be urged they assented to such provision (a). The matter of the erection of the

(a) N.Y. Doc. Vol. 5, P. 795. "You told us also that it was agreed between the two Crowns of Great Britain and France that the French may not meddle with the Six Nations, nor settle in their land, if they do that it is breach of an article of the Treaty, and that it is on both sides concluded the Indians go on account of trade, unmolested where they please. We speak now on the name of all the Six Nations and come to you howling. This is the reason for what we howl, that the Governor of Canada encroaches on our land and builds thereon, therefore do we come to your Excellency, our Brother Corlaer, and desire you will be pleased to write to the Great King your Master, and if our King will then be pleased to write to the King of France, that the Six Nations desire that the fort at Niagara may be demolished: This belt we give to you, our brother (Corlaer) as a token that you be not negligent to write to the King, the sooner the better, and desire that the letter may be written very pressing".

(Continued from page 1217)

others, or enable you by such methods as were in their power to repel force by force, or defend yourselves, and on the other hand you were on your part to live in the strictest friendship with all His Majesty's subjects, and in case they should be attacked by an enemy whatever, to afford them the readiest and most effective assistance in your power". On the 15th, June 1717, the Indians replied:—"Brother Corlaer. You told us that the large present made us yesterday is from the "Great King" our Master, whose subjects we are, for which we are thankful for his favor and kindness..."

fort was taken up by the British Government with France as the Indians requested, and in the Instructions from the Duke of Newcastle to the Hons. Horatio Walpole, of 11th, April 1727 (b) the assurance is made that "these Indians are really His Majesty's subjects", which would seem to show the existence of a doubt on the point, not solved either, so late as the year 1739, when the British Ambassador at the Court of France, on the 16th of January, addressed a communication regarding certain encroachments of the French in New York, and stated;—

"the Iroquois of Five Nations of Indians in whose country these settlements would be made, are an ancient dependency of the Province of New York, and acknowledged by the 15th Article of the Treaty of Utrecht, dependent on the Crown of England (c).

A very different relationship to that of Sovereign and subject.

(b) N.Y. Doc. 9, P. 963.

(c) N.Y. Doc. Vol. 9, P. 1061.

58. Under the date of September 14th, 1726, the Senecas, Cayugas, and Onondagas, by formal Deed made over all their lands to the King, "to be protected and defended by his said Majesty—to and for the use of us, our heirs and successors" (a), and in a letter to the Lords of Trade under date of December 4th, 1726, Governor Burnet mentions his reasons for not asking the Mohawks and Oneidas, to make similar disposal of their lands (b), and the naiveness of the letter would indicate it was scarcely the protection of the Indians he had in view when obtaining the Deed. On January 11th, 1727 (c), the Lords of Trade write the Duke of Newcastle, pointing out the,—

Great  
Consequence  
of the  
Five  
Nations.

great consequence to the British interest in America, to preserve the alliance and dependence of the Five Indian Nations—it is highly necessary for his Majesty's service that these nations of Indians should be convinced that they may expect to be protected by Great Britain so long as they continue firm in their attachment to us.

59. Important is the significance of the language used by the "Allies" speakers at the Conference held by Governor Montgomerie with

(a) N.Y. Doc. Vol. 5, P. 800.

(b) N.Y. Doc. 5, P. 783. "When I had closed my public conference with them I found that the fear they were in of the French, and the hopes they had of our protection, made it a fit time to persuade them to do more than ever was obtained of them before, which was to surrender and submit all the land they live in by one instrument signed and sealed, to His Majesty. The Maquaes and Oneydes live nearest to us, and do not reach the French Lake, and therefore there was no occasion to mention the matter to them, and if I had proposed it publicly to them it might soon have been known by the French, and have produced some new enterprise of theirs, so that I thought best to do it with a few of the Chiefs and most trustworthy of the three nations who border upon the lakes, and accordingly I have obtained such a deed, of which I send your Lordship a copy".

(c) N.Y. Doc. Vol. 1, P. 815.

the Six Nations, at Albany, the 1st, October 1728, (d) where the word "Allies" was used on both sides, as describing the bond between the Indians and the English. It was indeed no time to alienate the Six Nations by unwarranted assertions of Dominion over them for the safety of the English Colonies from French attack, completely depended on these Indians, numbers of whom would gladly

(d) N.Y. Doc. 5, P. 829. One of the Sachims speaking—"We were acquainted at the same time that King George is a young man, we hope that he may follow his father's steps, that he may be as a large flourishing tree, that the branches thereof may reach up to Heaven, that they may be seen of all nations and people in the world. We engraft actions on the same branches, which we hope will thrive and that the leaves thereof will never fade or fall off, but that the same may grow and flourish that His Majesty's subjects and allies may live in peace and quiet under the shadow of the same". To which the Governor replied: "His Majesty has ordered me to tell you that he loves you as a father does his children and that his affection towards you is occasioned by his being informed that you are a brave and honest people, the two qualities in the world that recommend most either a nation or particular persons to him. He has also been informed that you love his subjects the English and that you desire to live with them as brethren. Therefore he has commanded me to renew the old covenant chain between you and all his subjects in North America, and I expect you will give me sufficient assurances as to the like on your part . . . You need fear no enemies while you are true to your alliance with him".

have helped France, and who could not understand the want of cohesion among the English colonies (a). Governor Burnet had started the erection of a fort at Oswego the previous year, but the French demanded its demolition and the matter was referred to the two Crowns. In the meantime, to counteract it, the French proposed the erection of a post at the Bay of the Cayugas, eight or nine leagues west of Oswego.

Wide  
Influence.

60. In 1728, also, the Oneida Chief Swatana, better known by his Delaware name of Shikellimy, was sent by the Six Nations to Pennsylvania, to reside there as a kind of Viceroy, over their tributary Indians on the Susquehanna in that Province. He was the father of the celebrated Logan; but having married a Cayuga, his children were all of that nation. As a fact, all the Indians in those parts were tributary to the Six Nations, and their strength was subsequently much increased by alliances with the Far or Western Indians.

(a) N.Y. Doc. 5, P. 918. Lords of Trade to Duke of Newcastle. "As we are apprehensive of what has happened with respect to Niagara, so in several of our representations and letters to the Lord Carteret, when he was Secretary of State, we gave an account of this matter and the consequences we apprehended might result from it; but the French have now taken the very same steps in a country to which they have not the colour of any title, and should they be permitted to go on, might be of very fatal consequences to our Indian nations, who it is much to be feared, might thereby be drawn from their allegiance to His Majesty, whereby his Northern colonies on the continent, would as Mr. Montgomerie observes, lose their strongest barrier".

N.Y. Doc. 6, P. 26. "The Six Nations of Indians, including the River and Saachkook Indians are about 1500 fighting men, of which number 1/8th, part incline to French interests, being partly over-awed by fear. The French have their interpreter continually among the Senecas, who have a great influence over them, and they often sent messengers with presents to the Six Nations."

(b) Golden. "Two old men commonly go about every year or two to receive this tribute and I have often had an opportunity to observe what anxiety the poor Indians were under, while these two old men remained in that part of the country where I was. An old Mohawk Sachim in a poor blanket and dirty shirt, may be seen issuing his orders with as arbitrary an authority as a Roman Dictator".

The Council at Philadelphia in one year thought (a);—

"That as the Five Nations have an absolute authority over all the Indians, and may command them as they please, it

(a) Beauchamp. 273.



is of great importance to remove any impressions that have been made upon them to the prejudice of the English, and that by all means 'tis necessary they should be spoken with."

Relations between this Province and the Six Nations increased in importance and in 1732, by invitation sent through Shikellimy, some Seneca, Oneida and Cayuga Chiefs visited Philadelphia, and as they thought the Shawnees were getting too much under the French influence, ordered them to return East. They refused to obey and killed some of the Six Nations, but the latter were pacified by presents. The Six Nations, had just made an alliance with the Miamis and three other Western nations, and had also forbidden a French trading house on the Ohio.

61. At a Conference at Albany, September 8th, 1733, Governor Conferences.  
Cosby addressed the assembled Indians in almost the identical words used by Governor Montgomerie to them on October 1st, 1728, (b) assuring the Six Nations His Majesty sent him there;—

"to confirm the friendship betwixt you and all his subjects to assure you of his fatherly care, and to tell you that he thinks himself obliged to love and protect you as his own children; you need fear no enemies while you are true to your alliance with him." (c)

At a conference with Lieut. Governor Clarke, at Albany, on June 27th, 1737, he reproached the Six Nations for allowing the French to come to Irondoquoit. and they in reply, asked how they came to Crown Point which was English land, eventually however, the Indians stated they were now resolved not to allow the French to settle on any of their lands (d)

(b) Ante. P. 45, note (b).

(c) N.Y. Doc. 5, P. 963.

(d) N.Y. Doc. 6, P. 99.

These however continued their aggressive policy and in 1739, a large party of them went from Crown Point to Wood Creek, to form a settlement there, claiming all the land to the sources of the streams tributary to the St. Lawrence, by right of conquest over the Five Nations. These acts greatly irritated the Indians, and the apparent inability of the English to resent them, told heavily against their people, in the estimation of the Indians. This year the Lords of Trade addressed the Lords of the Privy Council on the great importance of preserving the alliance between the Six Nations and the British Crown. (a) Lieutenant Governor Clarke was unwearied in his exertions to counteract the French influence among the Indians and at a Conference with them in August, 1740, contrasted the treatment meted out to them by France and England (b) and pre-

(a) N.Y. Doc. 6, P. 156, December 20th, 1739. "Upon the whole we shall observe to Your Lordships that these Six Nations or hordes of Indians are the most powerful and warlike of the ancient nations of that part of North America. That they have always been faithful allies to the British settlements in those parts. That they are almost as near to the French settlements as to the English. That the French (in time of war especially) always took great pains to reduce them from the British interest and in the late war had got a considerable number of families of them to Montreal . . . We may add that these Six Nations are looked upon to be a great support of the British Empire in these parts.

(b) N.Y. Doc. 6, P. 172. "A conduct very different from ours who treat all those nations of Indians who are under the protection of the Great King our Father, with benevolence, kindness and humanity studying to protect them in their freedom, and wishing you all to increase in number as the Stars of Heaven, nor do we seek occasion to extirpate Nations with whom we have made no alliance. No, on the contrary we unite them with us, we receive them with open arms and use them with kindness and humanity suffering them to enjoy that Inestimable blessing their liberty, without disturbance."

vailed on them to take into the Covenant Chain, all Indian Nations under British protection, southward and westward as far as the Mississippi. This he wrote to the Lord of Trade (c)

I think the most likely way to establish an universal peace among all the Indians and to make it lasting.

(c) November 10th, 1740, N.Y. Doc. 6, P. 171.

A belt was given to bind the Six Nations to the Southern Indians, which they accepted and promised to keep at Onondaga. In April of 1741, the Lieutenant Governor wrote the Lords of Trade, reminding them they knew;—

perfectly well the consequence of retaining the Six Nations in their dependence on his Majesty, and are sensible of the arts the French use to entice them from us.

and in December of the same year announced to them (a) he had been instrumental in engaging the Six Nations and the Caughnawagas, or "praying" Indians, in a "treaty of neutrality". Which he thought should quiet the apprehension of the new settlers in the Mohawk Country.

(a) N.Y. Doc. 6, P. 207. "Now, I think we are in a pretty good situation and (as our Indians are rightly attended to and frequently and properly treated with) there is a fair prospect of it (peace) until either we execute some design against Canada, or the French attack Oswego. . . . if they should and succeed, as there is too much cause to fear they will, I am very suspicious it will shake the fidelity of the Six Nations and perhaps they will gain them entirely from us, an event that may prove fatal to all the English colonies . . . I cannot but think that all the other colonies, especially in time of war, should contribute or presents to be given yearly to the Six Nations as they are their only barrier. The French do it to entice them from us, and in my humble opinion we must do it or lose them".

62. In 1742, a great Council was held at Philadelphia to settle the land question. The Six Nations forbade the Delawares from meddling with this as they had attempted, and told them to live either at Shamokin or Wyoming "there we shall have you more under our eye, and shall see how you behave". On October 9th, 1744, Governor Clinton wrote the Duke of Newcastle (b) acknowledging his letter of 31st March "with His Majesty's Declaration of War against the French King", and begged to acquaint his Grace,— "I have had an interview with the Five Nations of Indians, and have renewed a treaty of peace and alliance with them".

(b) N.Y. Doc. 6, P. 259.

Useful in  
War.

63. A great Council was held at Lancaster, Pennsylvania this year, when the land claims of the Six Nations in Virginia were adjusted, though the Indians displayed great independence and went home feeling their power, Governor Clinton had demanded at Albany, in June before;—

you will to the utmost of your power assist His Majesty's subjects in the vigorous prosecution of this just war against the French.

reminding them;—

you are a free and happy people enjoying the estimable benefit of liberty under the protection of the best of Kings.

The Sachims replied;—

We look upon ourselves to be a warlike people and never entered into a war with any nation, but in the end we got the better of them, but yet we are inclined to peace. (a)

and would not strike the first blow, or seize the French among them. They thought this wrong. It was a good time to assert their freedom of action. The necessities of the Colonies, however, were very great, and a Council was called to be held at Albany on October 7th, 1745, between the Council of New York, Commissioners from Massachusetts, Connecticut, Pennsylvania and Six Nations (b). The French had made the Six Nations believe the English wished to destroy them, their enthusiasm for the British cause was waning, there were land troubles. These matters were to be settled and the other Colonies, especially Massachusetts, wished New York to insist on the Six Nations taking up the hatchet against the French. The Six Nations were undeceived as to the intentions of the English against them, but would promise nothing but to send delegates to Canada, demanding satisfaction, which if not accorded, they would take up

(a) N.Y. Doc. 6, P. 262.

(b) N.Y. Doc. 6, P. 290.

arms. Massachusetts was not satisfied with this, and before the Conference broke up, filed a protest against the action of New York, and said they would take the matter up with the Home authorities (a). The historian William Smith, as quoted by Beauchamp (b) says of this Council;—

“Although this Conference was held in a style of dignity and solemnity which has seldom, if ever before been witnessed; although men of the first talents and respectability from four different colonies, had united their influence and exerted their eloquence in persuading these savages to take part in the war, yet the characteristic cunning of that people was proof against all these arts”.

64. The Governor of Canada held a Council with the Six Nations in July 1746, and they promised to remain neutral during the war, although it was hard for all of them to do this. The English were offering £10 for scalps of males over sixteen years old, £5 for those under that, and double these rates for prisoners. Great Britain was wakening to, the necessity of procuring the active aid of the Six Nations in the war, and the Duke of Newcastle ordered Governor Clinton to assemble the Indians for this purpose. Clinton did this, and also wrote to the Governor of the Jerseys and Pennsylvania;—

(a) Massachusetts filed a protest that the answer of the Indians, which was alleged to have been inspired by New York, whereupon the Governor said it was necessary the matter should be laid before the Assembly to make provision for the intervention of the Indians that proper fortifications must be erected, as at present the Six Nations were their only barrier and should they be withdrawn, the settlements would be completely exposed to the incursions of the enemy and that he could not consistently with the security of the Province as matters then were, engage the Indians in the War, till measures were taken to put the Province in a better condition of safety. That New York was at all times at an annual expense to secure these Indians in the British interest, as well in Peace as War, well knowing that if they were their friends, they were their securest barrier”.

(b) P. 285.

"to send all the fighting Indians from their Governments to Albany on this occasion; and I shall make them such presents in behalf of the Crown, and use such means however costly, as I think will be useful to engage them to take part in this expedition (a)".

William Johnson had been made Colonel of the Mohawks and made his influence felt (b). Some of the Chiefs did not wish to join, and the other nations agreed with them. The Mohawks alone seemed to favour war, but the other tribes of the Six Nations took a different road from them, in their journey to the Council. Here a division existed, the Mohawks, Onondagas and Senecas on one side and the Oneidas, Tuscaroras and Cayugas, on the other. Through Johnson's influence however, the Six Nations threw down the War-belt and declared war against the French, and the Mississaugas joined with them (c). It was nearly two and one-half years after France had declared war against England (d), and the right of the Indians for their independent course, was fully conceded. It will serve no purpose here to tell of the course of the war after the entry of the Six Nations, who disheartened at the want of vigour, through the dissensions of the different colonies, with which it was carried on against the enemy; themselves bore the greater part of the engagements (e).

(a) N.Y. Doc. 6, P. 310.

(b) Colten. P. "Mr. William Johnson was indefatigable among the Mohawks; he dressed himself after the Indian manner, and made frequent dances, according to their customs when they excite to war, and used all the means he could think of, at a considerable expense . . . in order to engage them heartily in the war against Canada."

(c) N.Y. Doc. 6, P. 317. The answer of the Indians. "Brethren this is the belt (at the same time giving one) of Union with which we are to go hand in hand to the gates of our enemies and by it we declare our intention to conquer or to die together in the common cause. There is a nation called the Mississaugas whose delegates are here present. They consist of five castles containing eight hundred men who are all determined and do agree to join us in this common cause against our enemies the French and their Indians".

(d) March 1744.

(e) N.Y. Doc. 6, P. 382. Governor Shirley to Governor Clinton. "As it appears to me, by the latest advices I have received from Albany as well as from what is contained in the New York Prints, that there is the utmost danger of a total defection from us to the French interest, unless we do speedily and vigorously join with them in prosecuting an expedition against the French for dislodging them from Crown Point, as well as from the fort they have built much nearer to the English settlements. I have issued a Proclamation for summoning every member of the General Court of this Province to attend the consultation that will be had on that affair upon the 12th of August next, and as the least loss of time will greatly hazard the success of this enterprise, if we should engage in it, I must entreat your Excellency to have the Assembly of your province sitting at or before that time, and lay before them the great danger there is of all His Majesty's Northern Colonies, especially your Province and ours, being soon depopulated and swallowed up by the enemy, unless we now join with the Six Nations without delay in pursuing in war against the enemy, and I must pray your Excellency will give me early advices of the measures your Government shall take in this affair and that in the meantime your Excellency would send a message speedily to the Six Nations, that your Government and ours will do all in our power for the prosecution of this design, and for the engaging the other English Governments with us therein".

Faithful  
Allies.

67. Every effort was made by the French to detach them from their alliance, and De Chauvignerie was sent to Onondaga from Quebec, but the Indians told him they had taken up the English hatchet against the French, and he went off. (a) They warmly reproached their allies however, for the feebleness of the English

(a) N.Y. Doc. 6, P. 360.



efforts (b) and with cause, for the New York assembly refused to do anything for their defence, would vote no supplies in aid of the war, and proposed an arrangement be made with the French, whereby New York might remain neutral (c).

(b) N.Y. Doc. 6, P. 383. "Brother; You told us last Fall you were at war with a cruel enemy, who daily murdered your people round about; upon which we heartily renewed the old Covenant, or agreement between you and us, inasmuch that whatever good or evil happens to the other, you gave us the axe to us against your enemies and told us, you expected soon to destroy Canada with your Army, we took up the axe and promised to use it against your enemies in conjunction with you. Brother, we have since been sent out by Col. Johnson to Canada, to annoy the enemy and take prisoners to give us news of all their motions, while your Army might be getting ready; all this we have done to show our heartiness to join and assist you, with the loss of several of our Chiefs and principal warriors who died lately for their brother's cause. Wherefore, Brother; we expect you will not make peace on any terms until we fully avenge the deaths of all our brethren which we are ready, and have been this long time to do, had we but your assistance. But, Brother; we are afraid you are not in earnest, for no, other reason, than we don't see you do anything with your Army as we expected and wished for Brother, we are obliged to acquaint you that our brethren, the Canojaharees are much exposed to the enemy, wherefore desire earnestly, that you would immediately fortify them, and when that is done, they or we cannot possibly do without a number of brisk men, to jump out and join us in pursuing and destroying the enemy, whenever they invade you or us, for which reason, if you will allow us but men to be ready at a call, we will engage to perform. Brother: that will be the only best means to satisfy all our friends and allies, the far distant nations (who daily flock to us and offer their service when we call upon them) that we are capable of defending ourselves and annoying the enemy in some measure, until the Army may be ready to march, which is what we most earnestly wish for".

(c) N.Y. Doc. 6, Pp. 399-411.

Johnson wrote Governor Clinton he had no further means of supplying the requirements of the Indians;—

"Wherefore I hope your Excellency's Council and Assembly will consider of it seriously before I return, otherwise I must assure your Excellency there will be no living for me, or any one else in this part of the world, which perhaps the gentlemen in that part of the country will be easy at, as it seems to all people here they are, by their backwardness, which doubt will be the entire ruin of the country" (a).

Governor Shirley wrote Governor Clinton, the Crown would pay the expense;—

"The reason upon which I ground my advice are, that His Majesty has declared by the Duke of Newcastle's letter of the 9th, April 1746, his dependence upon the assistance of the Indians, as his Allies and friends from the beginning of the intended expedition against Canada" (b).

68. The Mohawks said the English got them into a war and then <sup>Deserted</sup> did not help them (c). They made no Canadian incursions in 1748, <sup>by Colonies.</sup> but on November 2nd, of that year, Governor de la Galissonieres had a Council with the Six Nations, when they signed a declaration they were not subjects to Great Britain (d). The Cayugas refused

(a) N.Y. Doc. 6, P. 390.

(b) N.Y. Doc. 6, P. 398.

(c) Beauchamp 289.

(d) N.Y. Doc. 10, P. 690. M. de Montcalm to M. de Paulney, 23rd of February 1758. "In M. de la Galissoniere's time the Governor General had read to the Deputies of the Five Nations, in a Council, a letter from the Governor of New England who styled them subjects. It shocked them so much that they immediately made their protest, which was received by a Notary and they affixed their seals, or totems, to it 1756, which I had addressed to you with my despatch of the 25th of April, 1757, that they fully maintain that independence".

to aid the English "unless they would fight like men" (e). The New York Assembly solemnly declared its wish to remain neutral during the war, the other Colonies could look after themselves (f).

(e) Beauchamp 290.

(f) N.Y. Doc. 6, Pp. 399-411.

Governors Clinton and Shirley wrote the Lords of Trade asking them to induce the Crown to interpose with the other governments, not exposed to the incursions of the French, and compel each to pay a portion of the cost of defence (a). This effort seems to have proved ineffective.

Peace  
of Aix  
La  
Chapelle.

69. The Peace of Aix la Chapelle in October, 1748, ended the war. It by no means ended the troubles of Governor Clinton. His was the burden of explaining the Peace to the Six Nations, before they obtained the revenge they coveted for the loss of many of their best men, in a war the English for their own objects had led them into, suffered them to bear the brunt of, and wish the conclusion of which the Indians were intensively dissatisfied. (b)

(a) N.Y. Doc. 6, P. 439.

(b) Governors Clinton and Shirley to Lords of Trade. N.Y. Doc. 6, P. 437. When we received His Majesty's commands by his Grace the Duke of Newcastle's letter of the 3rd October last to Mr. Shirley, directing us to concert measures to secure the Indians of the Six Nations in His Majesty's interest, together with the presents sent for them to Governor Clinton, they were under great uneasiness and jealousy from the disappointments they had met with since their joining us, in the war against the French of Canada. When first they entered into it they had their spirits raised to the highest pitch by the preparations they saw making by land to invade Canada, and the assurances we had given them of a much greater force of regular troops and ships of war to attack Quebec by sea. They saw all these hopes vanish and tho' they made several incursions with small parties into Canada, generally with success, yet they lost some of their principal men either killed or taken prisoners by the enemy, and while the English continued to act upon the defensive, without making any attempts upon the enemy's country. This produces a jealousy that we were desirous to save ourselves the trouble by exposing them to all the dangers and calamities of war, at the same time the opinion which they had entertained of the English courage and strength was lessened almost to a degree of contempt, &c., &c."

Dispute.

70. These had other causes of complaint. The French had a number of Six Nation, as well as English prisoners at Quebec. The Indians had French prisoners taken by themselves. The English had other French captives. The Indians wished to effect an exchange with the French, but de la Glaissoniere, the French Governor, would not consent to this unless the Six Nations sent Deputies to Canada, for the purpose of arranging such. Governor Clinton insisted that (as he alleged) the Indians were British subjects, the arrangement must be made by him, the Six Nations could not conduct separate negotiations with the French. All his efforts were directed to having the Indians sanction his exclusive dealing with the matter. The correspondence between the respective authorities throws a good deal of light on the status then ascribed to the Six Nations, and requires careful consideration. In response to Governor Clinton's demand, de la Glaissonieres wrote him on 29th December, 1748, denying the Iroquois were subjects of Great Britain (a).

(a) N.Y. Doc. 6, P. 496. "That neither the Treaty of Utrecht nor any other similar one can make the Iroquois subjects of Great Britain. They claim to be free, as they have declared an infinite number of times, and as their conduct and yours towards them proves, in as much as for one hundred and fifty years they have concluded Peace and made War independent of you, and often in opposition to you, without your ever having attempted to force them to obey you. The Plenipotentiaries of Utrecht could not then legitimately subject them to you. The English are too well read in the law of Nations not to appreciate this truth".

Colonel Johnson afterward Sir William, was deeply concerned at Governor Clinton's attitude (b). Governor Shirley of Massachusetts joined with Governor Clinton in the latter's contention. He wrote the Duke of Bedford from Boston, on May 10th, 1749 on the subject and his letter would seem to afford de la Galissonieres some justification (c). Governor Clinton wrote Colonel Johnson on May 19th, 1749, instructing him to let the Indians

(b) N.Y. Doc. 6, P. 506. April 28th, 1749. "I must acquaint your Excellency that the enclosed extract from yours and Governor Shirley's letter (in the malicious manner the French represented it to some of the Five Nations who were there last Fall) has caused a great deal of uneasiness among the Indians, telling them that you and Governor Shirley by your letters looked upon them as slaves or dogs to the English and several other confounded wicked things they had infused into the Indians' heads, among the rest begged them to be watchful and on guard, that the English were determined the first opportunity to destroy them all. I assure your Excellency I had hard work to beat those and several other villainous things out of their heads and make them easy".

(c) N.Y. Doc. 6, P. 477. "Mr. Mascarene (Governor of Nova Scotia) having transmitted to me a copy of the French Governor of Canada's letter to him dated the 15th January, with a copy of his answer to it, wherein he refers him to me for an answer to his fourth demand, I thought it my duty not only to answer that part of the letter but to mark upon the other parts of it which I apprehended Mr. Mascarene had too slightly treated upon in his answer, and I now enclose your Grace a copy of my answer; but as Mr. Mascarene informs me in his letter to me, that he has sent your Grace a copy of Mr. la Gallissoniere's letter and his answer, I thought it needless for me to transmit your Grace copies of them and beg leave to refer your Grace to those already sent by Mr. Mascarenes. It is necessary for me to observe to your Grace that this is the first instance of a French Governor's openly avowing the part of any Indian tribe at war with us, and whether Mr. la Gallissonieres would now venture to do it without particular instructions from his Master to keep the Indians at war with us. I will not take upon me to say; and it is proper farther to observe that upon the conclusion of a French war, we have never looked upon the Indians engaged in it against us to be included in the general treaty made in Europe between the two Crowns; but the King's Governors have ever made particular treaties with 'em'".

*know why he had called them "subjects" (a) but the implication of his letter is clearly that they had not theretofore, acknowledged themselves as much, hence the refusal of the French to restore to freedom, their fellow tribesmen. Johnson replied however, a few days after to the Governor, making no reference to this claim, but stating that unless some way could be found to get the Indian prisoners out of French hands, he would not be able to longer restrain the Six Nations from making an independent effort (b). Immediately on hearing from Colonel Johnson, Governor Clinton wrote the Duke of Bedford on the subject (c).*

(a) N.Y. Doc. 6, P. 507. "You must likewise let them know that my calling them subjects of the great King of Great Britain can not in any sense be construed to their prejudice, since all the Governors of New York are the King's subjects and they have always acknowledged themselves to be brethren to the English and children of the Great King and that the word subject is of the same sense and meaning. That the French deceive them by putting any other construction on that word. That the French use their artifice to persuade the Six Nations to deny that they are the King of Britain's children, thereby to deprive them of the benefits they are to receive by the Peace which is now made, and that it is only on this pretence that the Governor of Canada detains their men in prison, because he says the Six Nations do not own themselves to be the King of Great Britain's children, that if they openly and boldly told the Governor of Canada that they are the King of Great Britain's children, he durst not after the peace is made then detain their people in prison".

(b) May 26th, 1749. N.Y. Doc. 6, P. 512.

(c) N.Y. Doc. 6, P. 484. 30th May 1749. "The Governor of Canada under various pretences refuses to set at liberty numbers of His Majesty's subjects who were made prisoners in time of war, viz., first; the Indians who are prisoners there, in expectation thereby to oblige the Five Nations (who are declared subjects of Great Britain by the Treaty of Utrecht) to go to Canada and there treat for liberty of their people independently of the Crown of Great Britain; and secondly, to extort large sums for the redemption of prisoners, inhabitants of this province, whom he has left in the power of the French Indians as their slaves".



71. On June 25th, Johnson again wrote the Governor (d) stating the Six Nations in consequence of a message from Canada, had determined notwithstanding his wishes, to send Deputies to Canada, and get their brethren, but that he had upset all this and got the French prisoners in his hands. He urged immediate arrangements for their release, or else all he had accomplished would be completely upset. Clinton immediately notified Bedford of this boasting he had done what no Governor had ever before accomplished.

(d) N.Y. Doc. 6, P. 520.

The facts as he stated them, however, by no means justified his assumption the Five (or Six) Nations acknowledged themselves as subjects of Great Britain, but rather the reverse. On August 19th, 1749, Johnson wrote the Governor he had induced the Indians to leave the whole arrangement for procuring the release of the prisoners in Canada to Clinton (b) and under date of August 22nd, de la Galissonieres wrote Governor Clinton proposing an exchange of prisoners, and appointing David Abel to include arrangements (c). This was not carried out and on October 30th, Clinton wrote the Canadian Governor complaining of his continued detention of the prisoners (d).

A  
"Foreign"  
People.

72. Colonel Johnson must have had considerable doubt as to the correctness of Governor Clinton's contention the Six Nations were subjects of Britain, for he wrote him at this time pointing out they were a "foreign people", (e) whatever term was applied to them. Under date of December 7th, 1749, the Duke of Bedford wrote Governor Clinton, it had been agreed between France and England "that all the Indians allied or protected by either of the two Crowns in America, who may have been made prisoners on either side during the late war, should be forthwith exchanged" (f) and Johnson warned the Governor on the following 6th January;—

(a) 7th, July, 1749, N.Y. Doc. 6, P. 515. "Since that time I have got all the French prisoners who were in the hands of our Indians delivered up to Mr. Johnson (the Officer whom I employ to manage the Indian Affairs) and I have restrained the Five Nations from sending Deputies to Canada. This, no one Governor of New York (before this time) was ever able to obtain. The Five Nations have always before this, at the conclusion of a war, made Peace in Canada, separately from us and have exchanged prisoners there and at the same time entered into new engagements with the French".

(b) N.Y. Doc. 6, P. 525.

(c) N.Y. Doc. 6, P. 527.

(d) N.Y. Doc. 6, P. 539.

(e) 22nd Nov., 1749, See N.Y. Doc. 6, P. 540. "Your Excellency is Plenipotentiary with the Indians, who tho' called subjects are a foreign people, and are to be treated with as immediately from the King by His Majesty's Governor, nor should the narrow minds of an American Assembly prescribe methods of managing a people of the greatest importance to our Trade in Peace, and the preservation of our lives and Properties in War, in this part of the World".

(f) N.Y. Doc. 6, P. 543.

"The French were never so active among the Indians as at present while we must lay still and only look on, not having power to do anything, which give me leave to assure your Excellency must soon or weaken our interest prodigiously as the Indians must soon imagine they are neglected or rather slighted by us." (a)

(a) N.Y. Doc. 6, P. 546.



On the 22nd, January, he congratulated the Governor for ordering:

"The Indian children returned, who, are kept by the traders as pawn or pledges", but who were "children of our friends and allies, and if they are not returned.....will confirm what the French told the Six Nations, viz., that we looked upon them as our slaves or negroes". (b)

73. The Royal Order of February 6th, 1750 (c) in fulfillment of the "Agreements with our good Brother, the most Christian "King", formally directed "the Indian prisoners in alliance with, or under the protection of the two Crowns, shall likewise be set at liberty on both sides", and this should have ended the matter so troublesome to Governor Clinton, but some time was yet to elapse before the exchange was actually carried out. It was not till July 30th, following, the Governor was

(b) N.Y. Doc. 6, P. 546.

(c) N.Y. Doc. 6, P. 544. "G.R. We Greet you well; Whereas in order to put a complete end to the calamities of the late war, and to extend the blessings of Peace to all ranks of people who may yet labour under these calamities, we have come to the following Agreements with our Good Brother, the most Christian King—(1) That all prisoners whether English or French now detained by the Governors of our Colonies or by those of New France in America, shall be forthwith released. (2) That after all the English and French prisoners shall have been reciprocally restored, the Indian prisoners in alliance with, or under the protection of the two Crowns, shall likewise be set at liberty on both sides. (3) That the respective Governors shall afterwards facilitate on their part the redemption of any slaves which may still remain in the Indian Villages etc."

able to notify the Duke of Bedford, of the exchange of prisoners between Canada and New York (a). In considering this episode it may be noted, that in no instance, or from no authority did Governor Clinton receive any support from his contention the Six Nations were British subjects. Probably the best authority of all, Colonel (afterwards Sir William) Johnson deprecated the use of the term, and said they were a foreign people to be dealt with by the King himself, or his representative impliedly, as the treaty making power rested in the Sovereign (b).

74. At this time there was completed the alliances between the Western nations and the Six Nations, which fifty years afterwards was to form such a subject of contention between Great Britain and the new United States, and threatened to renew the war ended in 1783. The Six Nation emigrants with the Shawnees, Delawares, Hurons and Twightwees (Miamis)

Six  
Nation  
Indian  
Alliances.

(a) N.Y. Doc. 6, P. 578. "The exchange of prisoners between this Province and Canada has been made in obedience to His Majesty's orders. We have received twenty four from Canada, and they thirteen from us, but there is this difference, that we have sent back all the prisoners that were in the hands of our Indians and they have persuaded thirteen of ours to change their religion and to declare that they are not willing to return, and others not returned by their being (us they say) at too great a distance among their Indians to be restored at this time, but with a promise it shall be done as soon as possible . . .".

(b) This was the settled policy of Great Britain in dealing with the Indians. "It should be regarded as a fixed principle in any arrangements that they may be made regarding the Indians, that their concerns must be continued under the exclusive care and superintendence of the Crown." See Lord Glenelg's Despatch to Lord Durham, August 1838. (Sess. Pap. Leg. Col. Canada, No. 2, Vol. 4. 1844-45. Append. E.E.E.

settled on the Ohio and its branches, made a body of nearly two thousand men (a). The English encouraged the alliance as they sought of the Western Indians and claimed their territory, by conquest of their Allies the Six Nations, over the Eries. (b)

#### Boundaries.

75. In this year also the Lords of Trade took steps to ascertain the boundaries of the Six Nation country (c), afterwards settled by the Treaty of Fort Stanwix. On the 13th, December 1750. Governor Clinton wrote the Lords of Trade (d), he had sent circulars to all the British Governors on the Continent inviting them to a Conference to be held with the Indians at Albany in June 1751, to consult what might be proper to represent to the Governor of Canada concerning his officers' conduct towards "our Indians" by their infractions of the Fifteenth Article of the Treaty of Utrecht.

(a) Beauchamp P. 293.

(b) Beauchamp P. 297.

(c) April 13th, 1750, N.Y. Doc. 6, P. 560. "And as the knowing exactly the limits and extent of the country belonging to the Five Nations of Indians, is of great importance, their Lordships further desire you will inform yourself thereof, as well from any authentic acts or documents which may be found upon record (which you are likewise to transmit duly authenticate) as by proper inquiries of such persons as are best acquainted with the country, particularly Mr. Henry Ludius, who their Lordships has been informed, has a thorough knowledge in that particular."

(d) N.Y. Doc. 6, P. 603.

#### Report of 1751.

76. In April 1751, a very important report was made by the Lords of Trade, to the Committee of the Privy Council, on the state of the Province of New York, which shows clearly the status accorded the Six Nations at that time, in the estimation of the Lords of Trade. It is worthy of extended notice as it describes clearly the conditions which prompted the Mohawks, over two years later, to declare the covenant chain existing between the Six Nations and the English, finally and irrevocably broken (a),

(a) N.Y. Doc. 6, P. 635.—"Having now opened to your Lordships view, what has been the situation of the Province for sometime . . . we shall proceed to place before your Lordships another great and equally dangerous evil . . . and that is the very bad and almost destructive effect it has had upon the general disposition and ancient friendship of the Six Indian Nations, who are seated on the back of it, and whose attachment to the British interest chiefly depends upon their temper towards the Government of New York, and the benefits and protection they find in their alliance with it. The great advantage which the experience of many years had given us reason to hope for, from the assistance of this powerful and warlike body of people in the time of the late war, were prevented, by their having been left exposed to the cruel ravages and incursions of a merciless enemy, by the want of that protection which, tho' often promised them, was as often neglected to be provided for, and their friendship was also a second time endangered and almost entirely lost, by their not receiving their usual supply of presents at the regular and stated times; these unhappy effects may indeed in some degree, (attributed) to the disappointment they met with, from the expedition against Canada not taking place after they had been prevailed upon to take up the hatchet in this service; yet, the finding themselves at the same time neglected by those people, to whom their friendship and alliance had been, on every occasion of danger and distress, so particularly serviceable, must doubtless have been a great additional shock to them and greatly contributed to make them, in their own minds, either deny the power or distrust the sincerity and good will of Great Britain. . . . The Six Nations of Indians always the most constant and best allies of the British interest in America will be entirely alienated from us, and driven to seek a connection with the French, who availing themselves of our neglect daily strengthen themselves, by artfully turning all such Indians against us, as not directly our allies, and disturbing such as are, . . . That, (the Lords of Trade) recommended,—"With respect to the Six Nations—we have lately received a letter from Colonel Johnson—informing he has lately held a meeting with them, in which he had the satisfaction to undeceive them in several essential particulars and to draw from them the strongest professions of future steadiness and attachment to the British interest, and to renew the usual treaty of strict alliance with them . . . but, neither in this nor any circumstance, can the interest of Great Britain in what relates to New York, or these Indian allies of it, be permanently or effectually removed or guarded against, unless the Peace of that Province be restored, the foundation of the Government better established . . .".

and affords the strongest proof for the assertion, the Six Nations owed no allegiance to the British Crown, save in so far as the same had been pledged by treaty, and that this was fully recognized by Great Britain.

77. Further justification for this assertion may be found in the Abstract of evidence in the books of the Lords of Trade relating to New York (a) where it is recorded:—

"Soon after this Mr. Clinton went up to Albany to an interview with the Five Nations, and on his way there received the declaration of war against France, which republished at the head of Militia in Albany, where he also renewed a treaty of Peace and Alliance with the Five Nations."

and again:—

"On the 25th September 1750, Mr. Clinton laid before the Assembly—a message (and) earnestly recommended it to them to make speedy provision for securing the fidelity of their Indian Allies."

78. It was thought all differences between the English and the <sup>Neglected.</sup> Indians could be settled at a Council to be called in June 1751, at Albany, at which all the British Colonies might be represented (b), and Governor Glen of South Carolina wrote Governor Clinton, approving of Albany as a meeting place, as the "Six Nations and many other Indians have for many years past been more immediately dependent upon or in alliance with New York" (c); but the response of the Colonies was disappointing, and on June 15th, 1751, wrote the Lords of Trade (d) expressing his regrets at the situation, but five days later (e) wrote them expressing the necessity for going on with the conference which was duly held, and the result

(a) N.Y. Doc. 6, P. 639, 642, 702.

(b) N.Y. Doc. 6, P. 635, 704.

(c) N.Y. Doc. 6, P. 709.

(d) N.Y. Doc. 6, P. 704. "I am sorry that after all I must inform your Lordships that all the Assemblies have refused to contribute or to enable the Governors to go personally or to send Commissioners to assist at the interview at Albany, except Massachusetts Bay and South Carolina."

(e) N.Y. Doc. 6, P. 713. June 18th, 1751, to the Duke of Bedford, "By the other papers enclosed your Grace will perceive the absolute necessity of meeting the Six Nations of Indians dependent on this Province, at Albany, on the 28th day of this month".

communicated to the Lords of Trade, on July 17th, 1751 (a), Colonel Johnson became discouraged at the lack of means and energy and tendered his resignation as Superintendent, but after an interval was persuaded to take up his office again, and Massachusetts and Pennsylvania, each tried to have the Mohawks settle on their frontier as a means of defence (b).

(a) N.Y. Doc. 6, P. 713. "While I was at Albany I could only enter upon the following heads, as the allowance I had from the Assembly for supporting the Indians did not permit me to keep them a day longer than I did; 1st. To Renew the covenant chain, on the mutual assurances of their fidelity and the King's protection; 2nd. To exhort them to strengthen themselves by drawing the neighboring nations into strict alliances with them, and securing a general liberty of trade; 3rd. To send a proper number of men to Oniagra, to forbid the French to build there, and to demolish any works already begun. Lastly to make peace with the Catawbas."

(b) Beauchamp P. 296.



French  
Intrigues.

79. Governor de la Jonquiere held a Council with the Onondagas on July 11th, and promised no settlement should be made on the Ohio Lands, which they claimed by conquest, without their consent (c). In April, 1753, runners came to Johnson from Onondaga to say that French and Indians were assembling at Oswegatchie (Ogdensburg) equipped for war, and soon after a French army passed Oswego on the way to the Ohio, to make good even by force, their claim held there. This resulted in many Indians leaving Oswegatchie (d). Andrew Montour had been sent to Onondaga on behalf of the Governor of Virginia, to propose to the Six Nations Council at Winchester in the Province, which they declined, and on his return said he:—

"saw plainly the Indians were frightened, and that there was a strong party for the French among the Indians, and the Senecas particularly were in their interest". (a)

But, indeed not only the Senecas, but the Mohawks as well, the elder brothers of the Confederacy, and the tried friends of the

- (c) Beauchamp P. 296.
- (d) Beauchamp P. 297.
- (e) Beauchamp P. 298.

English now proclaimed the covenant chain to be broken (a).

Unrest.

80. On August 28th, 1753, the Earl of Oldernessee had addressed a circular letter to all the Governors in America, directing them in case of French aggression to repel force by force but the means were

(a) N.Y. Doc. 6, P. 781. Meeting with Governor Clinton at New York, 21st, June 1753.

"Hendrick an Indian Chief, addressed His Excellency. Brother, we are come hither to renew and make bright the covenant chain of our fore-fathers and to wipe away all tears from your eyes (here he gave the Governor a string of Wampum) we came here with peaceable intentions. Brother, we are come to remind you of the ancient alliance agreed on between our respective forefathers. We are united together by a covenant chain and it seems now likely to be broken, not from our fault but yours. Brother you know me very well, that I have always been a help and support to you when you have called our Six Nations together at Albany. By my means everything has gone right and while the five other nations of Indians have promised and not performed, the Mohawks have always proved true. Brother, I said just now you know me very well, and my heart aches because we Mohawks have always been faithful to you, as our Brother Col. Johnson can witness when he had the care of Indian affairs, especially in this last war, there was no assistance given you but by our nations, and had the war lasted some time longer we would have torn the Frenchmen's hearts out. Brother, I say the indifference and neglect shown towards us makes our hearts ache, and if you don't alter your behaviour to us we fear the covenant chain will be broken. Brother, we don't lay the blame upon yourself, but upon your Council and Assembly, for Brother, we know you would be willing to do your part, but they don't regard us or strive to take any care of us. Brother, it grieves us to the heart to know and hear that the Council and Assembly don't take care of Albany, but leave it naked and defenceless and don't care what becomes of our Nation. You sit in peace and quietness here while we are exposed to the enemy. Brother, it is by your means that we stand every hour in danger, for it was at your request that we fought against the French, and they now daily stand with a knife over our heads to destroy us and we are forced to be upon our guard because nothing is as yet settled between us. Brother, you have put the hatchet into our hands and we Mohawks have taken it and used it against your enemies, and you have never taken the hatchet out of our hands so that we still have it... The Sachims then complained of the way they had been cheated out of their lands. On 16th June, the Governor addressed the Sachims renewing the covenant chain, told them the management of their affairs was now on the same footing as formerly, for Commissioners had been appointed and provision made for them and that he believed the hatchet would be taken out of their hands at Albany this summer, and promised satisfaction about their lands. The Indians replied, demanding a promise to comply with their request, but the Governor said he could come to no immediate resolution, whereupon the Sachims replied:—Brother, all that we desired to be

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lacking. The news of the defection of the Mohawks had reached England, and a new Governor—Sir Danvers Osborne—had been appointed for New York. On September 18th, 1753, the Lords of Trade wrote Holdernessee (a) enclosing a copy of their instructions to Governor Osborne. The new Governor was to place the matter before the Assembly in the strongest manner (b). Sir Danvers Osborne died by his own hand two days after reaching his New Government, and Chief Justice De Lancey, a native of New York, assumed the direction of affairs.

81. The Mohawks met Colonel Johnson, at Mount Johnson in July, 1753, although they stated that had the invitation been from the Commissioners of Indian Affairs they "would not have moved a foot", to arrange for a conference at Onondaga in the following September, which duly assembled on the 8th of that month.

(a) N.Y. Doc. 6, P. 799. "We have lately received from His Majesty's late Governor of New York some minutes of the proceedings between him and a deputation of the Mohawk Indians, one of the Six Nations, at the City of New York in June last, upon occasion of several complaints made by the said Indians. It appears from these minutes that the answers given to these complaints were not satisfactory and that the Indians went away hastily from the Conference, expressing great resentment and declaring they considered the alliance and friendship between them and the province of New York to be dissolved. As this affair appears to us to be of a very serious nature and may be attended with very bad consequences at this conjuncture, we think it our duty to lay before your Lordship the enclosed copy of the said minutes together with a copy of the letter we have sent to Sir Danvers Osborne upon this occasion."

(b) N.Y. Doc. 6, P. 800. September 18th, 1753. "...When we consider of how great consequence the friendship and alliance of the Six Nations is to all His Majesty's colonies and Plantations in America in general, as well as to New York in particular when we consider that this friendship and alliance is only to be gained and preserved by making presents to them at proper times and upon proper occasions and by an inviolable observance of all our engagements with them and when we recollect the attempts that have lately been made to withdraw them from the British interest, we cannot but be greatly concerned and surprised that the Province of New York should have been so inattentive to the general interests of His Majesty's subjects in America, as well as to their own particular security as to have given occasion to the complaints made by the Indians, but we are still more surprised at the manner in which these complaints were received, the dissatisfactory answers given to the Indians and at their being suffered to depart (tho' the Assembly was then sitting) without any measures taken to bring them to temper, or to redress their complaints. This being the light in which we see this affair, we think it for His Majesty's service that you should take the very first opportunity of representing to the Council and Assembly in the strongest manner of how great importance it is to the Province of New York to preserve the friendship and affection of the Indians and the fatal consequences which must inevitably follow a neglect of them..."

Johnson explained why the meeting at Albany intended for this summer had been prevented, wished to know whether it was with their consent the French had made the descent on the Ohio, and

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done for our good is not granted, which makes our hearts ache very much. Brother, when we come here to relate our grievances about our lands, we expected to have something done for us, and we have told you that the covenant chain of our forefathers was like to be broken, and Brother, you tell us that we shall be redressed at Albany, but we know them so well, we will not trust them, for they are no people but devils, so we rather desire you'll say nothing shall be done for us, Brother, by and by, you'll expect to see the nations down which you shall not see, for as soon as we have come home we will send up a belt of Wampum to our brothers the Five Nations to acquaint them the covenant chain is broken between you and us. So, Brother, you are not to expect to hear of me anymore, and Brother, we desire to hear no more of you. And we shall no longer acquaint you with any news or affairs as we used to do, and as to Jerry Klock there are people who want to do him some harm, but we will not agree to it. Brother, we did not expect when we came from home that all our desires would have no effect." The Indians then went away.

reproached them with still warring on the Catawbias, not withstanding the Peace made last summer. He exhorted them to hold fast "to the chain of friendship made by your forefathers." The Indians made no answer till the 10th, when they denied it was with their consent the French were on the Ohio, and refused to make peace with the Catawbias, till they heard from their "fighters". They freely express their feeling as to their position;—

We don't know what you Christians, English and French together intend; we are so hemmed in by both that we have hardly a hunting place left. In a little while if we find a bear in a tree there will immediately appear an owner of the land to challenge the property, and hinder us from killing it, which is our livelihood. We are so perplexed between both that we hardly know what to say or think. (a)

Proposed  
Conference.

82. The Commissioners for Indian Affairs recorded in their Minutes for December, it had been reported to them the satisfaction of the Indians that the new Governor "was a native of this country, as he knew well the advantages of an alliance with the Six Nations." And a few days after this Governor De Lancey wrote the Lords of Trade discussing arrangements for the proposed conference to be held with the Indians at Albany, next summer (b).

(a) N.Y. Doc. 6, P. 808.

(b) N.Y. Doc. 6, P. 821, 817.

The irrepressible Governor of Virginia, Dinwiddre, in January following wrote De Lancey (a), explaining what the French had done on the Ohio, and said he had ordered out a detachment of Militia and called the Assembly together. The rendezvous for the Militia was to be at Wills Creek and he asked for men from New York in aid, to meet there in March. On February 26th, the Lords of Trade wrote De Lancey approving of the proposed meeting with the Six Nations in June, and pointed out the common interest of the British Colonies in repelling French aggression on the Ohio.

(b) The Lieutenant Governor wrote the Lords of Trade in April, stating the arguments used by him in his endeavour to have the different colonies represented at the proposed meeting with the Six Nations (c) but was compelled to write them in May that notwithstanding his best endeavours he had been unable to prevail on the Provincial Assembly to provide "one farthing to enable me

(a) Jan. 29th, 1754, N.Y. Doc. 6, P. 827.

(b) N.Y. Doc. 6, P. 828.

(c) April 22nd, 1754, N.Y. Doc. 6, P. 833. "The arguments I have used to the neighboring governments to induce them to send Commissioners to the Albany Treaty are, that His Majesty had been graciously pleased to order the Indians a present and had directed the several governments to send Commissioners to this interview, the Indians seeing them there, and being told they are all met by order of the Great King their Father, on the other side of the Big Lake and that they are to act in concert for the mutual advantage of them and us; may be emboldened to act with vigour in the British interest against the French. That your Lordships intention was that a treaty be made in His Majesty's name, between the Indians and all the Provinces, and that I proposed at this interview to unite, as far as possible, all the Indians in alliance with us, into a firm and lasting peace with each other, and to this purpose to lay before them the folly in waging war with those who are children of the same Father and King, and are all brethren to the English; to represent to them the artifice of the French who persuade them into so absurd a practice to alarm them at the French building forts on the lands conquered by and belonging to them on the Lake Erie and the River Ohio, thereby excluding them from a free and open communication with the Far Indians and those in alliance with us; and, lastly principally to concert measures among the Commissioners at this interview, for building forts in such parts of the Indian country for their protection, as may encourage them (be seeing their wives and children will be secured and retreat afforded themselves) to declare openly and cordially for us."

to raise men for the assistance of Virginia (a)". The Six Nations would take care of New York. Affairs between France and England were fast assuming a critical stage. Under date of May 6th, 1754, Major Washington reported the British fort, at the forks of the Mononghela, had been forced to capitulate to a superior French force (b).

83. The Colonial Congress called for June, duly assembled at Albany on the 19th, when Commissioners from seven colonies were present. It was found the Six Nations were but lukewarm in their attachment to the English, though the treaty of friendship and alliance was renewed and concluded. One of the Sachims upbraided the English with great boldness for their neglect of the Indians, their invasion of their lands, and their dilatory conduct regarding the French, who the Speaker averred had behaved like men and warriors. An ill-timed act was the advantage taken by Pennsylvania of the attendance of so many Sachims, to procure from them the grant of extensive tracts, including the lands on the Ohio inhabited by the Delawares and Shawanoes, the very tribes that the French were endeavouring to seduce, and who thus had the ground sold from under their feet. (c).

(a) N.Y. Doc. 6, P. 833.

(b) N.Y. Doc. 6, P. 838.

(c) N.Y. Doc. 6, P. 853. et sequ. where a full account of the Congress and proceedings may be found. See also, Parkman's Conspiracy of Pontiac, Vol. 1, P. 102, and authorities there cited. Beachamp P. 300.

84. The British Government soon to take decisive action, was now thoroughly alarmed at the ineptitude displayed by the Colonies, and expressed it in a communication to De Lancey under date of July 5th, 1754, from the Lords of Trade (a), when the news of the Conference at Albany could not have reached England. The action taken by the British Government will appear in due course, but it would seem clear from the course of events, that at this period the Crown made no claim on the Six Nations of natural subjection or allegiance, or any not settled by treaty of alliance, friendship, mutual protection and assistance, confessedly often not rendered the Indians by Britain, even in their direct straits (b)

(a) N.Y. Doc. 6, P. 745. "You are already so fully acquainted with our sentiments upon Indian affairs that it is almost unnecessary for us to say anything further upon this subject. We cannot, however, but express our surprise and concern that after the proper arguments which you made use of to induce the neighboring colonies to concur in the Treaty with the Six Nations, any of those colonies should at this juncture have declined joining in a measure so apparently for the general interest and security of the whole and such a conduct appears to us the more extraordinary as we are informed that upon former occasions and in time of less peril and exigency they have joined in such Treaties. The preserving and securing the friendship of these Indians is in the present situation of affairs an object of the greatest importance. It is from the steady adherence of these Indians to the British interest, that not only New York, but all the other Northern colonies have hitherto been secured from the fatal effects of the encroachment of a foreign power, and without their friendship and assistance all our efforts to check and disappoint the present view of this power may prove ineffectual. It would be endless to enumerate the advantages which are derived from and alliance with these Indians and the mischiefs and evils which will certainly result from a neglect of them in the present conjuncture."

(b) note "a," P. 65.



Colonel Johnson at this time, in suggestions by him for better defeating the designs of the French (a) took a philosophical view of the attitude of the Indians towards the British, and it was he who first pointed out the Six Nations had now attained to state-hood, and that the vicissitudes of time might well produce changes in their old relations to the British.

Pownall  
View.

85. Thomas Pownall, whose valuable work on the British colonies in North America, and whose advice had it been heeded, founded as it was on the principals of self-determination in local affairs, might have saved these colonies for the Empire, was present at the Albany Conference, and his acute mind at once grasped the situation. He had first come to America with the unfortunate Sir Danvers Osborne, but remained there for some time. His view will be again referred to, but at this Congress he submitted certain considerations towards a general plan of measures for the Colonies, in which he (in dealing with the question of the Six Nations) took the same view as Johnson of the change in their original status; that they must now be treated with as a separate state and people, and advised his method of best dealing with the exigencies of this new situation, so as to best to obtain the advantage for Great Britain. (b)

(a) N.Y. Doc. 6, P. 897. "As the Six Nations and their allies are doubtless much altered from what they were some years ago, especially since the French have from time to time, without being interrupted, been treating with them, and as all states are liable to vicissitudes from some cause or other, which it may be loss of time now to look into, tho' I am sorry to say a partial defection of those states is too manifest; therefore it may be best to direct our management according to the present exigency. Imprimis, it is not reasonable to suppose that one or two British Governments should, or ever can continue to retain in the British interest, such a number of people as the Six Nations amount to, while we are sure to be so far outbid by so powerful as opposite as the French, in the purchase of the friendship of a people, who from their situation are of the highest consequence to the preservation of all our and their colonies as they are affected." Johnson then suggests his opinion of the best means to preserve the friendship and interest of this people.

(b) N.Y. Doc. 6, P. 893. "This measure respecting the management of Indian affairs is offered as consequential of a plan of a general union of the Provinces, or may be applied as an expedient in the meantime till such union can take place. The original natural form under which the Indian country lay, being that of a forest stocked not with sheep or oxen or horses, not with beasts of labour and domestic animals, but only with wild beasts and game, all that this country afforded for the food or raiment must be hunted for. The Indians would therefore be consequently, as they were in fact, not land workers but hunters, not settlers but wanderers. They would consequently never have, as in fact they never had, any idea of property in land. They would consequently never have, in fact they never had, any common fixed interest, and one communion of rights and actions, one civil union, and consequently not any government. They know no such thing as an administrative or executive power, properly so called. They allow the authority of advice, a kind of legislative authority, but there is no civil coercion. They never had anyone collecting actuative power of the whole or any Magistrate or Magistrates to execute such. But, the country appearing now under a very different form, and they, the Indians being under very different circumstances arising from Trade, Treaties and War, begin to feel rather than see, to find by experience rather than reason, the necessity of a Civil Union of power and action, and that these circumstances have in fact, for many years been forming and have at length formed them to such a collective power. These people are precisely in that point of circumstances where a community that was before only one of society, is becoming that of Government. In all their actions therefore, of late years, whether of Treaty or War, they have recurred to some Agent to actuate this power they are not only become capable of such a general leading, but their circumstances require it, the circumstances with which they are connected have formed them into a state, but from the circumstances of the society under which they live, they can never have among themselves, a Stateholder. Their circumstances require and look out for some such, some such they must have and if we do not find such for them, the French will, and are actually attempting it. Further as they know not, nor acknowledge any leading power but that of authority, there can be no nominal, visible appointment of such leader; they will never appoint such within themselves, nor will they ever submit to anyone appointed from without . . . Therefore,



86. War with France was now inevitable and in August 1754, War the Lords of Trade represented to the King (a), 1754.

(a) N.Y. Doc. 6, P. 901.

the advisability of placing the command of all the forts and governors in the different colonies in America, as well as the sole directions of Indian Affairs, in the hands of "some one single person, Commander in Chief, to be appointed by your Majesty," and in October following a circular letter (a) was despatched to each of the Colonial Governors notifying them of the preparation of a Force for America, and giving instructions for the raising of auxiliaries in that country.

87. In the same month the Lords of Trade represented to the King (b) that;— Johnson the first Superintendent of Indian Affairs.

"the management of Indian Affairs, at least those of the Six Nations, who are the best allies and form the strongest barrier to the British settlements."

instead of being as heretofore, entrusted to the Province of New York, should be vested in an officer responsible to the King, and they recommended Colonel Johnson should be appointed "Colonel over the Six Nations."

(a) N.Y. Doc. 6, P. 915.

(b) N.Y. Doc. 6, P. 917. "While the Six Nations were possessed of all that territory which surrounds the two great lakes of Erie and Ontario, which they used as their hunting grounds, and before the French had erected forts which intercept their passage to part of those lands and cut off their communication with the Far Western Indians, their alliance alone and submission to the British Government formed a sufficient barrier to Your Majesty's colonies in the Northern part of America; and for that reason forts were not then judged necessary, or at least only for the purpose of carrying on trade, but since the French have erected their fort at Niagara, by which they have not only cut off the passage of the Six Nations to their hunting grounds but have acquired the greatest influence over the Senecas, one of the most powerful of those nations, within whose territory these forts are built, unless measures of the same nature are pursued on the part of Great Britain, those nations must in a very short time become dependent upon the French and instead of a barrier, be made subservient to their encroachments upon the British Colonies."

This recommendation also explained to His Majesty the necessity for the present erection of forts in the Indian country, and the reason for the expedition then being fitted out. General Braddock was appointed to command this, and was directed by his secret instruction, to drive the French from their forts on the Ohio, at Niagara, Crown Point and Beausejour, in Nova Scotia (a). Colonel Johnson

(a) N.Y. Doc. 6, P. 920.

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such person or persons as can acquire or are actually in possession of this leading power, this authority with them, can be this Agent, this leader, this Stateholder etc. Facts and the actual state of the circumstances of the Indian affairs and of the French measures, show the necessity of such an office, and it were needless to point out the use and beneficial consequences."

The wisdom of Pownall's view was justified by the appointment of Colonel Johnson as Colonel and Superintendent of the Six Nations, an office continued till its abolition in 1845. Under the leadership of Sir John Johnson and Colonel McKee, and later, of Captain Claus, neither the conflicting interests of the Revolutionary War, or the strife of 1812, could detach the Six Nations people from their ancient alliance with the British Crown. In later years and at the present time, even the benumbing influence of the Indian Act, by which in common with the blanket Indians of the West, the Canadian Government seeks to govern and regulate even the most domestic affairs of this ancient dependency of the Crown, their ancient spirit has not been quenched, nor their ardour stayed, and on many a stricken field in France and Belgium, the foeman has fled before the fiery onset of a Six Nations Warrior.

attended Braddock at his Headquarters, Alexandria, Virginia, and there on April 15th, 1755, by order of the King received the appointment of Superintendent of the Six Nations (b).

(b) N.Y. Doc. 6, P. 961.

The Six Nations as a people took no part with Braddock's expedition. Johnson says none of them were there. Pownall says Johnson was enabled to engage some Indians (a), but this probably alludes to the force afterwards in the combat at Lake George. Pownall's statement (see note) affords a strong commentary on the contention of the Six Nations, as to the nature of their allegiance to Great Britain. The total defeat of Braddock's force in July 1755, followed

(a) N.Y. Doc. 6, P. 961. Johnson to Lords of Trade, July 21st, 1755. "Since my public transactions I have had a private conference with some Indians, who tell me their chief reasons against going to General Braddock's assistance are, that as they doubt not Governor Dinwiddie's influence over those southern nations of Indians, who live on the back of Virginia, will procure their assistance to Mr. Braddock, and that if those and they were to meet together, as a good understanding does not at present subsist between them, some broils might arise, fatal to themselves and very disserviceable to our cause. I have advised General Braddock hereof."

Administration of the British Colonies, 5th, edn. By Thomas Pownall, late Governor &c. Note at P. 243. "Seeing when I was at Alexandria, by order of the late Duke of Cumberland, to meet General Braddock, the heedless, headlong way of proceedings, on which Col. Johnson was ordered (as though the Indians were slaves or under military discipline) to bring so many Indians into the Field; I remonstrated against this proceeding and stated, that if we did expect the Indians to join us, we must do it on the ground of their treaties with us. This was neither perfectly understood or attended to; yet, from the situation in which both General Braddock and General Shirley know I then stood, they found it prudent to give some attention to what I suggested; and desired me to draw up some instructions for Colonel Johnson. On that ground I immediately drew up those which are in the Appendix, No. XI, which were sent after Colonel Johnson, and which became the ground, as Colonel Johnson afterwards wrote me, on which he was enabled to engage the Indians."

Appendix XI reads:—"The following instructions drawn up by T. Pownall, and recommended to General Braddock were, by that officer, sent to Col. Johnson. You are to produce to the Indians of the Six Nations, a deed which will be delivered to you by Col. Shirley, and in my name to recite to them, as follows:—Whereas it appears, by a Treaty of the Five Nations, made at Albany on the 19th. Britain, his heirs and successors forever, and it appearing that the French have from time to time, by fraud and violence, built strong forts within the limits of the said land, contrary to the covenant chain of the said Deed and Treaties. You are in my name to assure the said Nations, that I am come by His Majesty's Order, to destroy all the said forts, and to build such others as shall protect and secure the said lands to them, their heirs and successors forever, according to the intent and spirit of the said treaty, and do therefore, call upon them to take up the hatchet and come and take possession of their own lands."

and need only be referred to here. Governor Shirley succeeded him as Commander in Chief, and by his ill-advised interference and egregious vanity did much to trouble Johnson and produce confusion among the Six Nations (a). When Johnson was doing his best to organize them for the expedition, Shirley, they said told them:—

"Why should you go to Crown Point, you can do nothing there but crack lice with me there will be something to do worthwhile (b)."

Many of them did join Johnson, and old Hendrick assured him;—

"Had it not been for Governor Shirley's money and speeches you would have soon all the Six Nations here."

(a) N.Y. Doc. 6, P. 993, 990, 1023, Vol. 7, P. 14.

(b) N.Y. Doc. 6, P. 998.

89. On September 10th, 1755, the Army under Johnson's command obtained a great victory over the French commanded by Baron Dieskau, who was taken prisoner. Johnson was wounded, and Captain Wraxall it was, who wrote Lieutenant Governor de Lancey, telling of the victory, adding;—

Johnson's  
Victory,  
1755.

"our Indians have taken off near seventy scalps, they have lost about forty of their people (c)."

It was for this Victory Johnson was made a Baronet of Great Britain (d) and received the thanks of the King. He wrote on the 24th September to the Lords of Trade, a dispassionate account of the behaviour of the Army (e) and emphasized the services of the Six Nations. They were greatly encouraged by the victory and Mr. Pownall advised the Lords of Trade on the 20th September (f).

"I received a letter today from Mr. Franklin, who says;—  
"Conrad Weiser informs me that the Six Nations have actually sent a message to the Indians in their alliance at Aukwick and the Ohio, to sharpen their arrows and prepare for War, for they are now determined to drive the French from Ohio, and do all in their power to assist the English."

(c) N.Y. Doc. 6, P. 1003.

(d) N.Y. Doc. 6, P. 1020.

(e) N.Y. Doc. 6, P. 1010. "The next day after this affair, the Indians acquainted me that they proposed to return home as was their constant custom after an engagement wherein they had been very faithful to our interests. They sustained the chief attack from the enemy in the morning action and they complained to me that they were sacrificed by the backwardness and flight of our people, and I fear from the most impartial accounts, they had reason. Every one of their officers who were in the engagement were slain."

(f) N.Y. Doc. 6, P. 1008.

90. The temporary enthusiasm of victory, among the Con- Status.  
federacy, was destined to be considerably dissipated by the intrigue, selfishness of the Albany Commissioners, land frauds and general inefficiency of the British measures against the better organization and effectual methods of the French at Quebec; and in considering the relations between the English and the Six Nations during the next few years, are by no means to be forgotten. These relations were nevertheless characterized by two outstanding features, viz. the complete independence of the Indians as a separate people, only united to the English by treaty, and the full concession by the English, of this national status. No better contemporary or other authority on this point could well be invoked than Sir William Johnson, and in many documents bearing his signature, he has left no room for doubt as to the correctness of this statement (a).

(a) N.Y. Doc. Vol. 7, P. 14. Sir William Johnson to Governor Shirley, Jan. 5th, 1756. "Your Excellency as Commander in Chief has an undoubted right to direct the measures of His Majesty's service, and to send me your instructions accordingly, which I shall think it my duty to obey, but how far at each particular juncture and upon each particular occasion and in what particular manner, I may be able to manage and persuade the Six Confederate Nations (who tho' Allies to the British Crown are very jealous of being thought dependent upon us) to engage in this or that measure, must I conceive, while I have the management of their affairs, be left to my conduct and discretion, unless your Excellency conceives them as Vassals, you must know that no one can manage their affairs properly. and here I must beg leave to represent to your Excellency that there are now Agents acting among the Confederate Indians, without my knowledge or advice, and what they are about and what may be the consequence of their measures, I cannot answer for. I must, therefore, beg that your Excellency give orders that they be withdrawn and that none hereafter be sent there, but by my direction or recommendation."

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N.Y. Doc. 7, P. 28. Some thoughts upon the British Indian interests in North America, more particularly as it relates to the Six Nations, by Sir William Johnson, August 1755. In this pamphlet Johnson outlines the causes of the dissatisfaction of the Six Nations and suggests remedies. He concludes,—

"If this be not done, we shall easily project expedients, waste our treasure, and the Indians will infallibly quit our alliance."

N.Y. Doc. 7, P. 41, "Since I (Johnson) did myself the honour of writing to your Lordships, the 17th, January from New York, I have had a general meeting of the Sachims and warriors of the Six Nations... It gave me the most solid pleasure that I can, with the greatest truth, assure your Lordships that the Six United Nations at this time give us the strongest intimations of sincerity and fidelity and that they are at length highly sensible of the treacherous and extensive designs of the French, and from what I have more particularly observed at this meeting, I am convinced that there is nothing wanting to cement and enlarge the British Indian Alliance but unanimous and vigorous efforts against the common enemy, to convince them we are in good earnest to put a stop to their encroachments and at the same time that we are determined to protect and stand to them as our friends and Allies... I herewith transmit to your Lordships a copy of my proceedings since I came from Lake George, as also, of this public conference, from which your Lordships will be better able to form an idea of the present disposition of the Confederate Indians, and from the facts contained therein, what future expectations we may entertain from our Indian Allies."

N.Y. Doc. 7, P. 76. Secretary Fox to Sir William Johnson, Whitehall, 13th, March, 1756. "It is the King's pleasure that you should assemble the Indians as soon as possible, when you will acquaint them with His Majesty's steady resolution to support and protect them, as His Allies; and invite them to join and act with his troops against the French..."

N.Y. Doc. 7, P. 134. "Old Abram, the head Sachim of the Mohawks performed the ceremony in the following manner. Gave a belt to the surviving councillors, admonishing them that notwithstanding the loss they had sustained, they should continue to keep up the friendship subsisting between them and the English, and preserve the covenant chain of alliance from contracting any trust."

Letter of Sir William Johnson to Lords of Trade, 25th, June, 1757, in which he announces the three upper nations of the Confederacy have resolved to take no further part in the war against the French, but they (Senecas, Cayugas and Onondagas) will remain neutral, as will probably also be the decision of the Oneidas and Tuscaroras, only the Mohawks continuing the war, and tells the rules of neutrality he has instructed the Indians, should under the circumstances be observed by them. This and the accompanying documents may be found in N.Y. Doc. Vol. 7, P. 227, and following pages. The following are extracts from some of these documents. Johnson undertakes to reproach the Indians for what they considered, in their own interest, was the proper course for them to pursue, but in no place does he dispute their right of determination.

P. 230, Nov. 17th, 1756. Brethren,..."I take this opportunity to tell you it is no less evident to all your brethren, the English, than it is to me, that from the beginning of the present hostilities between us and the French, to this day, the Five Nations have in general, shown such a backwardness in aiding and assisting His Majesty's Arms, such a manifest indifference for the welfare and success of their brethren, the English, and such a mercenary principle in the little they have done, as is no less inconsistent with their character of friends and allies, than it is contrary to the public and solemn engagements which they entered into at this place last summer, and have at several public meeting since, as solemnly ratified..."

P. 231. "In fact the whole tenor of your conduct for a great while past gives your brethren, the English, just cause not only to reproach the Six Nations as Allies unfaithful, unfriendly and unserviceable, but gives them reason to suspect the security and uprightness of your future intentions."

P. 234. "You must be sensible that your conduct with regard to your brethren, the English, in the present war between them and the French had not as I told you, been either conformable to the character of faithful brethren and sincere allies, nor to your own many solemn promises and engagements."

P. 246. April 19th, 1757. "Brethren, let all nations of Indians know that the great King of England, my master, is their friend, that he desires all nations of Indians may unite together, be as one body and one blood. He offers them his alliance and protection which all Princes and People over the Great Lakes are proud and glad of..."

Brethren,..."from the first meeting I had with the Six Nations after my return from Virginia to this day, I have been constantly calling them and exhorting them as children of the great King of England, as Brothers and Allies to the English, to join and assist His Majesty's Arms, against our common enemy the French, and the Six Nations have as frequently assured me they would act with and for us..."

N.Y. Doc. 7, P. 559. Sir William Johnson to Lords of Trade, September 25th, 1763. "I know that many mistakes arise here from erroneous accounts formerly made of Indians; they have been represented as calling themselves subjects, although the very word would have started them had it been ever pronounced by an interpreter; they desire to be considered as Allies and friends, and as such, we may make them at a reasonable expense."



No less the Archives of the time, but the actual course of events show that their international relations with English and French, or with other Indian nations, were those sustained by an independent state, whose external engagements were entered into by authorized Deputies (a) and considered binding after their conclusion, on the whole confederacy of the Six Nations. The sanction for such rested on the consent of the whole confederacy, in terms of the immemorial custom of their people, from whom alone it was derived, and without whose national organization, it could not have existed.

(a) E. G. Lords of Trade to Sir Wm. Johnson, March 10th, 1757. At N.Y. Doc. Vol. 7, P. 221.

Absence of written records, and the mists of time may have thrown a gloom over the earlier history of the original Five Nations people, or on the genesis of a system they had evolved for administering their affairs, but in 1757, that the elemental period of their national status had been left behind and that they had arrived at the full fruition of Statehood; no less the Treaties of Utrecht, of Aix la Chapelle, the numerous ones in America, the testimony bequeathed by such men as Sir William Johnson and Governor Pownall, but the law of Nations itself, would seem to leave no ground to dispute. Vattel's well known definition (a)

"Nations or states are bodies politic, societies of men united together for the purpose of promoting their mutual safety and advantage by the joint efforts of their combined strength."

is recognized as authoritative but as we shall see, the Six Nations not only enjoyed these constituent principles of nationality but possessed a country of their own, whose bounds were settled and recognized by international treaty, within which in all internal affairs, their laws and customs were supreme, nor was any alien allowed to settle, save with their consent. Protected they were by Great Britain, but she had to extend this for the safety of her own Colonies, and such in no way alters the Six Nations status of Independence, as is the well established rule of international law (b).

(a) Law of Nations 1.

(b) Vattel P. 93.

91. General Webb failed to relieve Fort William Henry and this surrendered on 9th, August 1757 (a) Montcalm's Indians, chiefly some Canadian Iroquois, numbering over 300, committed great cruelties on the capitulated Garrison, and terror spread through the English settlements. It had a great effect on the Six Nations, and though they had promised neutrality, some Senecas and Cayugas shared in hostilities in Pennsylvania, and Governor de Vaudreuil reported that he had twenty parties of Senecas and Cayugas in the field against the English (b). German Flats were destroyed by the French in 1757, though the people had been warned by the Oneidas to expect an attack, and the five forts protecting the Palatine settlement were also taken by the French, nearly two hundred colonists either perishing or being taken prisoners. In July, 1758,

Dissatisfaction  
1757.

(a) N.Y. Doc. 7, P. 274. For William Henry was the English fort at the South end of Lake George, thirty miles distant from the French stronghold of Ticonderoga. The Garrison marched out with the honours of War, but had scarcely done so when Montcalm's Indians assailed them, cutting down and scalping without mercy.

(b) Beauchamp, P. 312.

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the English under Abercrombie were defeated with heavy losses at Ticonderoga, few Indians sharing in the fight on either side. Events took a more favorable turn for them however, in August, when Colonel Bradstreet took Fort Frontenac, and Oswego was re-occupied. In November, Fort Duquesne was evacuated at the approach of General Forbes, and the Six Nations took note of the dissatisfaction of their Canadian brethren, with their treatment by Montcalm.

Conciliation, 1758.

92. A council met at Easton, October 8th, 1758, when the land disputes with the Six Nations were partially adjusted, and all the lands West of the Mountains conveyed back to them (c). In April, 1759, at a Council held at the Canajoharie Castle of Sir William Johnson, with the Six

(c) Beauchamp, P. 314.

Great Part in Conquest of Canada, 1759.

Nations, the covenant chain between them and the English was once more renewed, and in transmitting to the Lords of Trade an account of the then situation of affairs between the two peoples, Johnson on the 17th, May 1759, was able to give a more encouraging account of these than for sometime past (a). The Senecas had agreed to join heartily in the War with the English, and expressed their wish the French fort of Niagara might be destroyed, and an English Army under General Prideaux, of some 3000 men, landed there on July 8th, 1759. Prideaux was killed on July 20th, and Johnson took command and the fort surrendered July 24th (b), when the Army, of which one third were Indians, returned to Oswego. Amherst took possession of Crown Point and Ticonderoga and Quebec surrendered September 18th, 1759. This was followed in due course by the capitulation of Montreal and surrender of Canada, September 8th, 1760.

Measures of Recognition.

93. The British Government recognized the immense responsibility upon them of providing means for bringing tranquillity to North America, now altogether under their Crown, and as a first measure sought not only to acquire the confidence of the Indians generally, but to provide a means whereby in future, no grievances between them and the English might arise. Ministers recognized the danger they had so narrowly escaped in the late war, of having the whole Indian population in hostile array against them. Their plans contemplated two objects, the first concerned the whole of the Indians and sought to devise a means of securing to

(a) N.Y. Doc. 7, P. 375. "I think I may with great truth give it to your Lordships as my opinion, that not only from the commencement of the present war, but for many years past, His Majesty's Indian interest in this quarter hath not worn so favourable a face, nor given such encouraging prospects. If the operations of His Majesty's Arms in those parts are carried on with spirit and wear a respectable appearance on the opening of the approaching Campaign, I persuade myself the conduct of those Indians will be conformable to the promises they have made and they will convince the World by their actions, they can be of very considerable service to the success of His Majesty's Arms."

(b) N.Y. Doc. 7, P. 46.

them their old hunting grounds for so long as it might be necessary to preserve them as such. The second, exclusively for the benefit of the Six Nations, designed to prevent their being cheated out of their lands by the Whites, so fruitful a cause of complaint in past years.

(a) Politically, Indian affairs were in future to be managed exclusively by Superintendents appointed and responsible solely to the Crown. General Gage wrote from Montreal to Sir Jeffery Amherst, Commander in Chief "No distinction has been made between the Briton and Canadian, but equally regarded as subjects of the same Prince"—The Indians have been treated on the

(a) N.Y. Doc. 7, P. 472. Order of the King-In-Council on a Report of the Lords of trade, Nov. 23rd, 1761. Present, the King's Most Excellent Majesty, in Council etc. "That it is unnecessary as it would be tedious to enter into a detail of all the causes of complaint, which our Indian Allies had against us at the commencement of the troubles in America, and which not only induced them, tho' reluctantly to take up the hatchet against us and desolate the settlements on the frontiers, but encouraged our enemies to pursue those measures which have involved us in a dangerous and critical way, it will be sufficient for the present purpose to observe that the primary cause of that discontent which produced those fatal effects was the cruelty and injustice with which they had been treated with respect to their hunting grounds, in open violation of those solemn compacts by which they had yielded to us the *Dominion but not the Property* of those lands. It was happy for us that we were early awakened to a proper sense of the injustice and bad conduct of such a policy towards the Indians, and no sooner were those measures pursued which indicated a disposition to do these all possible justice upon this head of complaint than those hostilities which had produced such horrid scenes of devastation ceased, and the Six Nations and their dependents, became at once from the most inveterate enemies, our fast and faithful friends. That their steady and intrepid conduct upon the expedition under General Amherst for the reduction of Canada, is a striking example of this truth, and they now, trusting our good faith, impatiently wait for that event, which by putting an end to the war, shall not only ascertain the British Empire in America but enable your Majesty to renew those compacts by which their property in their lands shall be ascertained and a Reformation introduced with respect to our interests and commerce with them as shall at the same time as it redresses their complaints and establishes their rights, give equal stability and security to the rights and interests of all your Majesty's American Subjects."

N.Y. Doc. 7, P. 478. Draft instructions to Governors of various Colonies forbidding them to grant lands which might interfere with rights of Indians.

N.Y. Doc. 7, P. 572, 572 et seq.

same principles of humanity, they have had immediate redress for their wrongs, and no tricks or artifices have hitherto been attempted to defraud them in their trade", (a) but the Military Government was to be excluded also from any management of Indians affairs.

94. Under date of May 5th, 1763, a communication was addressed to the Lords of Trade by the Earl of Egremont on the subject of how best to carry into execution the stipulations of the late Treaty of Paris (b) and secure to Great Britain full enjoyment of the advantages it had procured (c) and the Lords of Trade were instructed to make a report thereon. In considering the question of the security of North America, these instructions set out, there would seem to be two objects to be provided for:—

Protection, 1763.

"The first is the security of the whole against any European power; the next is the preservation of the internal peace and tranquillity of the country against any Indian disturbances,

(a) Can. Arch. Rep. 1907, P. 69. Gage drew a distinction between the inhabitants of Canada who became subjects after the Conquest, and the Indians. By Article XII, of the Capitulation of Montreal, "the French, Canadians and Acadians" who remained in Canada were to become "subjects of the King". Article XI governed the status of the Indians, who were to be maintained in the lands they inhabit, if they chose to remain there; they shall not be molested on any pretense whatsoever, for having carried arms, and served his most Christian Majesty, they shall have, as well as the French, liberty of religion, and shall keep their Missionaries."

See Treaty P. 27, Can. Arch. Report 1907.

(b) February 10th, 1763.

(c) See Can. Arch. Report 1907, P. 93 for copy.

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of these two objects, the latter appears to call more immediately for such regulations and precautions as your Lordships shall think proper to suggest etc. Though in order to succeed effectually in this point, it may become necessary to erect some forts in the Indian country, with their consent, yet His Majesty's justice and moderation inclines him to adopt the more eligible method of conciliating the minds of the Indians by the mildness of his Government, by protecting their persons and property, and securing to them all the possessions, rights and privileges they have hitherto enjoyed and are entitled to most certainly guarding against any invasion or occupation of their hunting grounds, the possession of which is to be acquired by fair purchase only."

The Royal  
Procla-  
mation of  
1763.

95. The result of these Instructions was the Royal Proclamation of October 1763 (d) by which the countries in America ceased to

(d) For Copy Proclamation, see Can. Arch. Reports, 1907, P. 119.

Great Britain, by the Treaty of Paris, were divided into four Governments "styled and called by the names of Quebec, East Florida, West Florida and Grenada," and it was further declared:—

"to be our Royal Will and Pleasure, for the present aforesaid, to reserve under our Sovereignty, Protection and Dominion for the use of the said Indians, all the lands and territories not included within the three new Governments (a) or within the limits of the Territory granted to the Hudson's Bay Company, as also all the lands and territories lying to the Westward of the sources of the Rivers which fall into the Sea from the West and North West as aforesaid."

It is unnecessary here to consider the effect of this far reaching Proclamation, or the new Governments which it established. It may be pointed out though, that the Western boundary of the new Province of Quebec ran from Lake Nipissing, from one to ten miles West of the Ottawa River, then crossing the St. Lawrence and through Lake Champlain, to the high lands separating the rivers which fall into the River St. Lawrence from those which empty into the sea.

Six  
Nations  
Territory.

96. If one will read the Despatch from Sir William Johnson to the Lords of Trade, of November 13th, 1763 (b) he will perceive Johnson there accords all the territory West of the Ottawa River, in the now Province of Ontario, as belonging to the Six Nations by right of conquest. Look further, in a preliminary report of the Lords of Trade, addressed to the Earl of Egremont, Secretary of State, under date of 8th, June, 1763, on the subject of the proposed Proclamation, it will be found there stated:—

"This trade was acquired in virtue of the possession which they (the French) had taken (contrary to the stipulation of the Treaty of Utrecht) of all the Lakes in North America, tho' the circumjacent territory avowedly belonged to the Six Nations of Indians".

(a) As stated, except Grenada.

(b) N.Y. Doc. 7, P. 572.



and it was for this reason in a further report to His Majesty under date of August 8th, 1763 the Lords of Trade stated;—

"We are apprehensive that, should this country be annexed to the Government of Canada, a colour might be taken on other future occasion, for supposing singly from the Cessions made by France in the late Treaty, whereas your Majesty's title to the Lakes and circumjacent territory, as well as to the Sovereignty over the Indian tribes, particularly of the Six Nations, rests on a more solid and even a more equitable foundation, and perhaps nothing is more necessary than that just impressions on this subject should be carefully preserved in the minds of the Indians."

97. Shortly, in reducing into possession the territories by the Proclamation, reserved for the use of the Indians, which now form a great portion of the Province of Ontario, Great Britain claimed prior title to this, by virtue of the conquest of her allies, The Six Nations (in 1649) and would old Ontario included.

(a) Can. Arch. Reports, 1907, P. 110.

and admit she acquired title thereto by the Treaty of February 10th, 1763, nor has Great Britain since taken any other stand. There could seem to be no stronger acknowledgement of national status and capacity of the Six Nations (a).

98. The Proclamation of 1763, and the suggested Plan for the regulation of Indian Affairs in the territory by the Proclamation, reserved for the use of the Indians (b) was well designed in the interests of the Indians, but it did nothing to secure the Six Nations in the possession of an acknowledged country of their own, and an adjustment of the boundary was continually being urged on the Boundaries.

(a) Sir William Johnson's Despatch to the Earl of Shelburne, Sept. 22nd, 1767, (N.Y. Doc. 7, Pp. 953, 958) conveys a good deal of information as to how the Six Nations considered these matters. At P. 953, "Before the War commenced in 1744, and until that which ended with the reduction of Canada . . . the Indians in our Alliance were not alienated from our interest, tho' wronged and imposed upon . . . P. 958, "and the whole Western Indians considered the Six Nations as the Door (as they call it) to their country, intelligence concerning the designs of the White people, so that in short, however severely they treated one another, as I know they did sometimes during the War, yet no sooner was it ended than they mutually renewed their engagements, and carefully buried (according to custom) all past objects of grievance. This was their state at the reduction of Canada—they called themselves a free people who had an independent land, which were their ancient possessions, that the French by ceding Canada, according to the words of the Treaty, granted what was not in their power to give; their outposts and distant possessions being only held by them, not by conquest, but by favour, that if they admitted our rights to the posts we conquered, the country, was still theirs, and in fact it is most certain that the French never spoke to them in any other style, as sensible of the consequences it might have with regard to their interests so that whatever words are usually made use of respecting their expressing submission etc. are only to be understood as in compliance with form and custom, the latter having no just idea of such expressions, and calling themselves no more than our friends and allies. The Treaties, submissions cessions literally implying no more, and whoever should undertake to go further on the subject with them, must have a good army at his back, to protect him from their resentment. The offer of protection so often mentioned to them, are thought little on, they answering constantly that they are not in want of it, that they have nothing to fear but from ourselves, and altho' they may on some occasions be brought to temporize, or use more respectful terms, they are seldom sincere in such declaration.

(b) See Sir William Johnson's comments on this, N.Y. Doc. 7, P. 634.

Lords of Trade by Sir Wm. Johnson, and the Colonial authorities (a) The Cession of Canada had produced a total change in the position of Indian matters, and particularly affected the disposition of the Six Nations, who not only realized their independence of New York, but also the true place

(a) N.Y. Doc. 7, P. 573. Johnson to Lords of Trade, Nov. 13th, 1763. "I humbly conceive that a certain line should be run at the back of the Northern colonies, beyond which no settlement should be made, until the whole Six Nations should think proper of selling part thereof."

N.Y. Doc. 7, P. 603. Col. George Croghan, Deputy Superintendent to Lords of Trade, "That a natural boundary should be made between them and me."

N.Y. Doc. 7, P. 661. no date. Sir Wm. Johnson sets out boundary he recommends, comments on Article 42, of suggested Plan of Management. "The ascertaining and defining the precise and exact boundaries of Indian lands is a very necessary, but delicate point. I shall do everything in my power towards effecting it when ordered but I must beg leave to observe that the Six Nations, Western Indians etc. having never been conquered by the English or the French, nor subject to the laws, consider themselves as a free people. I am therefore induced to think it will require a good deal of caution to point out any boundary that shall appear to circumscribe their boundaries too far. But, as there is a necessity for ascertaining them, I humbly propose that the same be done with strict regard and with an addition to the line of Sixty miles south of Lakes Erie and Ontario."

N.Y. Doc. 7, P. 711. May 24th, 1765. Johnson to Lords of Trade. "As I could not have met with a more favourable opportunity for knowing the sentiments of the Six Nations with regard to the boundary recommended in your Lordship's Plan, I accordingly conferred with them upon that subject, but not being yet fully empowered, I only proposed it as a matter very essential to their own interest, and what had appeared best for preventing future disputes."

N.Y. Doc. 7, P. 726. Council with Six Nations, May 4th, 1765. Onondaga, Speaker: "Brother, we have heard what you told us concerning the intentions of the Great King about a line between us and the English, and we have considered that such a thing will be very necessary, provided the White People will abide by it."

N.Y. Doc. 7, P. 853. Johnson to Lords of Trade, August 20th, 1766. "The Six Nations are very uneasy about and anxious to hear concerning the boundary recommended in the Plan."

N.Y. Doc. 7, P. 809. Johnson to Lords of Trade, January 31st, 1766. "The forming of a boundary line between us and the Indians intended by the Plan, will be of great consequence for the future preventing of disputes about land."

N.Y. Doc. 7, P. 952. Johnson to Earl of Shelburne, Sept. 22, 1767. "I have herein said so much on the various subjects of the Indians grievances, that I must only observe in general here in answer to that passage of your Lordships letter, that the grievances concerning lands, more immediately affect the Indians next our settlements, and that the want of determining a boundary line as was promised, gives them no small concern, but the shocking abuses which daily increase with regard to trade affect them all, and must involve everything in confusion."

N.Y. Doc. 7, P. 1005. Dec. 23rd, 1767. Lords of Trade to Earl of Shelburne. "When we reflect that the establishment of this line will in all probability have the effect to prevent the fatal consequences of an Indian war, which seems at present to threaten the middle Colonies."

they so long held, of leadership among the Indians Nations of North America (a). It would be surprising if a people finding themselves in such circumstances, had not demanded

(a) N.Y. Doc. 7, P. 572. Johnson to Lords of Trade. "The Five Nations having in the last Century subdued the Shawanese, Delawares, Twightwees and Western Indians so far as Lakes Michigan and Superior, received them into an Alliance, allowed them the possession of the lands they occupied, and have ever since lived at peace with the greater part of them, and such was the prowess of the Five Nations Confederacy, that had they been properly supported by us they would have long since put a period to the Colony of Canada."

N.Y. Doc. 7, P. 592. Lieut. Governor Golden to Earl of Halifax, Dec. 22nd, 1763. "Before the Peace of Utrecht, the Five Nations were at war with the French in Canada and with all the Indian Nations who were in friendship with the French. This put the Five Nations under a necessity of depending on this province for a supply of everything by which they could carry on the War or defend themselves and their behaviour towards us was accordingly" . . . "Since the Conquest of Canada the French have turned our own arguments against us to raise a jealousy in the Indians or our designs."

recognition by Great Britain of their national domain, as well as prompt redress of their grievances on account of the unwarranted occupation of their lands, by the whites. The trouble was to define the boundary. Sir William Johnson recommended one, the Lords of Trade another. Peace had been made between the Chenussio (Genessee) and other enemy Senecas, and the English on August 26th, 1764 (a) and the way was clear for a Conference between Johnson and the Six Nations, which met May 2nd, 1765 (b), to consider this important matter of the boundary, Johnson addressing the Sachems, told them:

"The King, whose generosity and forgiveness you have already experienced, being very desirous to put a final end to disputes between his people and you, concerning lands, and to do you strict justice, has fallen on the plan of a boundary between our Provinces and the Indians (which no white man will ever dare to invade (c) as the best and surest method of ending such like disputes, and securing your property to you beyond a possibility of disturbance."

(a) N.Y. Doc. 7, P. 652.

(b) N.Y. Doc. 7, P. 711.

(c) N.Y. Doc. 7, P. 725.

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*Continued from page 1246*

N.Y. Doc. 7, P. 603. Croghan to Lords of Trade, 1763. "The Indians before the late war, or the Conquest of Quebec, considered in the light of a counter-poise to the power of the French, their ancient enemies, and were steady friends to the English on that account, but since the reduction of Canada they consider us in a very different and less favourable light, as they are now becoming jealous of our growing power in that country."

N.Y. Doc. 7, P. 835. Johnson to Secretary Conway, June 28th, 1766. "On the reduction of Canada we became the sole objects of jealousy of the neighboring Nations, and through means of our out-posts and trade acquired an alliance with many powerful nations, before little known to us, who were equally jealous of our designs."

N.Y. Doc. 7, P. 986. Johnson to Earl of Shelburne, Oct. 1767. "In answer to which I gave them "The Six Nations" many assurances that these matters were under consideration and orders actually sent to the Governor of this Province on the subject of lands; they answered that they had no expectation from that quarter, and that their application to His Majesty was founded on a certainty that they could expect no redress elsewhere, that on this and every subject of grievance they had patiently waited for redress several years, that they were quite tired and began to despair of it, and that all the Nations of the Several Confederacies being impatient and dissatisfied at the unfavourable prospect of affairs could not restrain their warriors from forming compacts for avenging themselves on the Traders and inhabitants etc., that for their parts, they, the Onondagas, with a great part of the rest of the Six Nations tho' much aggrieved, would with the greatest reluctance undertake anything hostile, but that they would not answer for one another, injured as they were, and encouraged by belts and messages sent them . . . I cannot promise myself much from my answer to them."

N.Y. Doc. 8, P. 45. Proceedings of Sir Wm. Johnson with the Indian March, 1768. Answer of the Indians, "We have large wide ears and we can hear that you are going to settle great numbers in the heart of our country and our necks are stretched out and our faces set to the sea-shore to watch their motions, Brother, you that are wise and have laws and say you can make your people do what they are desired, should prevent all this, and if they won't let us alone, you should shake them by the head. We believe that you are wise and that you can do all this, but we begin to think that you have no mind to hinder them. If you will say you can't we will do it for you. Our legs are long and our sight so good that we can see a great way through the woods. We can see the blood you have spilt and the fences you have made, and surely it is but right, that we should punish those that have done all this mischief."



Much progress was here made in laying down the limits of the Indian lands and on May 24th, 1765, Sir William Johnson was able to write the Lords of Trade reporting progress (d).

(d) At the council at Lancaster between the Six Nations and the Governors of Pennsylvania, Virginia and Maryland, on June 27th, 1744, Tachanootia, one of the Six Nations' Deputies, informed the Governor of Virginia:—"We must now tell you what mountains we mean that we say are the boundaries between you and us. You may remember that about twenty years ago you had a treaty with us at Albany, when you took a belt of wampum, and made a fence with it on the middle of the hill, and told us that if any of the warriors of the Six Nations came on your side of the middle of the hill, you would hang them and you gave us liberty to do the same with any of your people who should be found on our side of the middle of the hill. This is the hill we mean, and we desire that treaty may now be confirmed."

See Colden's Five Nations, Vol. 2, P. 151.

99. Finally, on 23rd, December, 1767 (a) the Lords of Trade addressed the Earl of Shelburne, one of the Secretaries of State:—

"We submit to your Lordships whether it may not be advisable that orders should be immediately sent to Sir William Johnson for the final settlement of this boundary line, in a Congress to be held with the Indians for that purpose."

and on January 5, 1768, the Earl of Shelburne, instructed Sir William Johnson (b).

"I have now the honour of signifying to you His Majesty's commands that the boundary line between the several Provinces and the various Indian Tribes, be completed without loss of time, conformable to a Report of the Lords Commissioners for Trade and Plantations, copy of which is herewith transmitted."

The Earl of Hillsborough also wrote the Governor of New York informing him of the plan for fixing a boundary which he hoped would have the effect of including the Six Nations to desist from hostilities (c). The Colonies were to be required to pass the most effective laws for preventing all settlements beyond such line (c). Johnson's expectations of an early agreement with the Indians were disappointed and he wrote Hillsborough that owing to French and Spanish intrigue, the Indians, who had seemed most anxious about the settlement

(a) N.Y. Doc. 7, P. 1005.

(b) N.Y. Doc. 8, P. 2.

(c) Feb. 5th, 1768. N.Y. Doc. 8, P. 11. "Sir William Johnson, His Majesty's Superintendent for the Indians in the Northern District, whose vigilance and attention to his duty cannot be too much commended, has not failed to communicate in the fullest manner the apprehension he is under from a variety of intelligence received through different channels, that the Indians in general are meditating some general attack upon His Majesty's Colonies. Among the many causes to which he attributes the present defection of the Savages, he seems to lay particular stress on the uneasiness which they have repeatedly expressed from their not having received His Majesty's determination upon the proposition of a boundary line on the plan suggested by them in 1765, His Majesty has accordingly sent the fullest instructions to Sir William Johnson on this head and it is hoped that the attention which His Majesty has shown to a matter which they seem to have so particularly at heart will have the effect to keep them quiet and induce them to desist from any intended hostilities."

(d) Hillsborough to Johnson, April 15th, 1768, N.Y. Doc. 8, P. 58.

of the boundary, were not either indifferent, or apprehensive the English had something in view, that might be dangerous to their liberties, and "intoxicated with the stories and promises of designing



men" seemed to wait the event of this Congress to determine their conduct to the English, in other respects than the mere settlement of any territorial question (a). Such was the fruit of Government procrastination.

100. Johnson's resourcefulness however prevailed and on the 1st, November 1768, a general Congress between the Indians and the Commissioners from the several Colonies, met at Fort Stanwix for the purpose of settling a boundary line, and on the 5th day of November 1768, a Deed was executed by the Indians and the respective Colonial authorities (b).

Boundary  
Settled  
1768.

(a) October 23rd, 1768. N.Y. Doc. 8, P. 104. Johnson when transmitting the account of the negotiations of the Treaty remarks: "The difficulties I had to struggle with by the artifices of the people at the Mississippi and the doubts and surmises of the Indians themselves, through the late misconduct of the frontier inhabitants and the length of time elapsed since the boundary was first spoken of, can only be known by those who were eye-witnesses of it."

N.Y. Doc. 8, P. 110.

(b) N.Y. Doc. 8, Pps. 126-135.

101. The line of demarcation drawn by this Deed, began at the;—  
 "mouth of the Cherokee or Hogagoge River where it empties into the River Ohio, and running from thence upward along the South side of said River to Kittaning, which is above Fort Pitt, and from thence by a direct line to the nearest fork of the West branch of the Susquehanna, then through the Alleghanny Mountains along the South side of the said West branch until it comes opposite to the mouth of a Creek called Tiadaghon, whence across the West branch and along the South side of that Creek and along the North side of Burnett's Hills to a Creek called Awandac, thence down the same to the East Branch of Susquehanna, and across the same and up the East side of that river to Owege, from thence East to Delaware River to opposite where Tianaderha falls into Susquehanna thence to Tianaderha, and up the West side of its West branch to the head thereof and thence by a direct line to Canada Creek where it empties into the Wood Creek at the West of the Carrying Place beyond Fort Stanwix and extending Eastward from every part of the said line as far as the lands formerly purchased, so as to comprehend the whole of the lands between the said line and the purchased line or settlement, except what is within the Province of Pennsylvania."

Deed of  
Fort  
Stanwix.

The Deed recited the circumstances under which the same came to be executed by "The Chiefs and Warriors of our respective Nations who are the true and absolute proprietors of the lands in question, and the country within the line described, was thus formally acknowledged by Great Britain as the exclusive national territory of the Six Nations and their dependents (a).

(a) The Deed did not so state, nor was it necessary it should but at the Council held prior to its approval, the Indians stated: "We have at length come to a final resolution concerning it, and we hope that what is now agreed upon shall be inviolably observed on your parts, as we are determined it shall be on ours, and that no further attempts shall be made on our lands, but that this line be considered as final, and we do now agree to the line we have marked upon your map, now before you, on certain conditions on which we have spoken and shall say more, and we desire that one article of this our Agreement be, that none of the Provinces or their people shall attempt to invade it under colour of any old Deeds, or other pretences whatsoever." See N.Y. Doc. 8, P. 126.

## Extent.

102. If one started at a point forty miles East of the Mississippi River in the present state of Kentucky, and ascended the Ohio River, skirting the Southern boundaries of the States of Illinois, Indiana, and Ohio, landed near Pittsburg, and proceeded overland through the central part of Pennsylvania to the head waters of the Susquehanna River, proceeded East and North of there across New York State till he there reached Oneida Lake, after ending this journey of some eighteen hundred miles through what is now the most densely populated portion of the United States of America he might have a clearer idea of what this Treaty meant, and the magnificence of this ancient patrimony of the Six Nations, and considering the life-time of a nation, so recently lost to them, through their faithful adherence to the ancient covenant chain between themselves and the British Crown.

103. Johnson was criticized for not adhering to the letter of his instructions regarding the treaty (a), and it was not till July 21st, 1770, at a Conference held at the German Flats with the Six Nations, he formally on behalf of the Crown, ratified this so important Treaty (b).

(a) Hillsborough to Johnson, 4th, January, 1769, N.Y. Doc. 8, P. 14.

(b) N.Y. Doc. 8, P. 236. "Brothers, the King my Master having received all the papers and proceedings relative to the great Treaty at Fort Stanwix, together with the Deed of Cession which you then executed to him, and laid before his Council of great men, and after considering the whole of it, has signified to me "what I hope will be deemed a further instance of his paternal goodness" that he did not require the lands so far to the Southward, if it was of the least inconvenience to his children whose interests he has so much at heart. He has at length, in compliance with your own desires as transmitted by me, and the public grant that you made, empowered me to ratify the same by letters I have received from the Lord, who is one of His Majesty's Secretaries (holding the letter in his hand) which I now propose to do. You well know the Deed of Cession, of which this (showing a copy) is a true copy. You all know that it was executed in a public meeting, of the greatest number of Indians that has ever assembled within the time of our remembrances and that all who had any pretensions were duly summoned to it, . . . "I do now, by virtue of the powers to me given, in the name and on behalf of His Britannic Majesty ratify and confirm the whole of the Treaty made at Fort Stanwix in 1768 and also the Deed of Cession to the King then executed (except what relates to the private grants which His Majesty will consider of) and I do declare that the same is ratified accordingly."

## SIX NATIONS CONFEDERACY

From the Treaty of Fort Stanwix, November 5th, 1768, to the close of the Revolutionary War. Unexampled Fidelity, Services and Losses of the Six Nations.

The Six Nations on the ratification of the Treaty of Fort Stanwix, occupied a position indeed to be envied by all peoples. Their National territory, known as "The county of the Six Nation" acknowledged and secured to them by Great Britain, mistress, through their fidelity and aid, of all North America to the Gulf of Mexico, formed naturally one of the richest portions of the globe. Drained by the Ohio, the Susquehanna and their tributaries, fronting on the great lakes of Erie and Ontario, diversified by ranges of hills and great tracts of woodland, of easy access to both Quebec and the sea-port of New York and Pennsylvania, enjoying a salubrious climate, with soil of virgin fertility. Nature had dowered them with her richest blessings and the prowess of their arms and the success of their diplomacy, under the leadership of a brilliant line of War-chiefs and Sachems, had, at length secured to them after an almost constant warfare of one hundred and fifty nine years with the French and their Indian allies (a) the fruition of what they fought for, surrounded by a constantly increasing white population eager to supply their wants, enjoying the advantages that could be secured by education freely extended them through devoted missionaries, unhampered by white laws unsuited to their condition and yet protected by the restraints on the surrounding population secured thereby

Their  
Pre-Revolu-  
tionary  
Position.

(a) Champlain's first encounter with the Mohawks was near Lake George on July 30th, 1609. Beauchamp, P. 168.

(a) protected as to external affairs or aggression from a foreign foe by their Suzerain (b), Great Britain any student of human affairs might well judge no fairer prospect opened for a free and independent people. Their population was not great 12,600 in 1768 (c) but the whole of Canada in 1765 contained under 70,000 (d) and the British colonies in 1750 but slightly over 1,000,000 inhabitants (e) scattered along the seacoast from the Gulf of Mexico to

(a) Note (b), 2, 88.

(b) The term "Suzerain" is used as a convenient one to define the position of Great Britain of the Six Nations Confederacy. It has no arbitrary meaning. "Entire freedom of action will be accorded to the Transvaal Government so far as is not inconsistent with the rights expressly reserved to the Suzerain power. The term: Suzerainty has been chosen as most conveniently describing superiority over a State possessing independent rights of Government, subject to reservations with reference to certain specified matters. The most material of these reserved rights is the control of the external relations of the future Transvaal State, which will be vested in the British Government, including of course, the conclusion of treaties and the conduct of diplomatic intercourse with foreign powers." Despatch of Lord Kimberley, Secy. of State for the Colonies, 31st March, 1881, No. 1, in (C. 2892), April 1881. "Status of the South African Republic."

(c) Extra Census Bulletin (c) "Six Nations of New York." Thos. Donaldson, Washington, 1892, P. 5. These figures are evidently based on a Memo. of Sir Wm. Johnson in 1763, in the London Archives, referred to at P. XXXVI, Census of Canada, 1870-71, Vol. 4. In the years immediately preceding 1768, the Six Nations had largely increased their numbers by adoption from other nations.

(d) Census Canada, 1870-71, Vol. 4, P. XXXVI.

(e) 1,161,000 (partly negroes) Mulhall's Stat. 4th edition.

the present State of Maine. From these, the Six Nations had nothing to fear and it might be an interesting problem to theorize on the future of the Confederacy, had the events of 1776 not intervened, with their resulting blight. An event took place in 1769, which serves to show the extent to which Great Britain accorded to the Six Nations, full liberty of action in War, as well as in that peaceful development of their country so fully enjoyed at this period of their national existence. Deputies came from the Cherokees to the Six Nations to renew and ratify the Peace lately made between them, and;—

Earnestly to request in consequence thereof, the Six Nations etc. would unite with them in order to attack several of the Southern and Western Indians, who had acted as enemies to both. After sometime spent in deliberation the Six Nations returned for answer, that before they could come to any resolution agreeable to their former engagements, they must confer with me (Sir William Johnson) on the subject, to which end they would take care of their belts and calumets, and send Deputies to me, to desire a general Congress in my presence, and accordingly their Deputies have since come here with some of the Cherokees, earnestly requesting on the part of the whole that I would as speedily as possible assemble the two confederacies and after hearing what they had to say, give them my advice and opinion on the subject. (a)

Johnson laid the matter before the authorities at London and under date of April 10th, 1770, received a reply (b);—

It is with concern His Majesty observes that the answer to be given to the Cherokees is made to depend on your opinion and advice, by which the King will stand committed in measures, which if they adopt the propositions of a war against the Southern and Western Indians, are irreconcilable with the principles of humanity, and if on the contrary, they tend to the union of Indian interests or politics and endanger the security of His Majesty's Colonies by enabling the Savages to turn their arms against us. This consequence however, which you seem to think would follow from discouraging a war against the Southern and Western Indians, is certainly to be avoided if possible, and therefore the King, however unwillingly, must be approve of your adopting the alternative.

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(a) Johnson to Hillsborough, 10th Feb. 1770. N.Y. Doc. 8, P. 203.

(b) N.Y. Doc. 8, P. 211.

Johnson held a Conference with the Six Nations at German Flats in the following July and as a result of many private interviews with the leading Chiefs, induced them publicly to agree to peace with the wild and warlike tribes of the West:—

“Provided we can bring those troublesome Nations to reason and live peaceably as we do with the Southern Indians, to this end we will stay all hostilities and make use of our



younger brethren the Shawanese, who live near them, to convince them of their folly and presumption." (a)

Sir William expressed his gratification at the danger escaped, when transmitting to London an account of the proceedings. (b)

(a) Report of Conference, July 21st, 1770, N.Y. Doc. 8, P. 235.

(b) N.Y. Doc. 8, P. 224. Johnson to Hillsborough August 14th, 1770. "I held many conferences (too long to be inserted) with the leading men of each nation upon my arrival at the place of Congress, to which the issue and determination of the Indians as contained in the papers herewith transmitted, must be entirely attributed, they having at length agreed through the pains I took and the extraordinary prudence and good conduct of some of the Chiefs, whose abilities and influence were peculiarly exerted upon that occasion to stop proceedings against the Southern Indians until they shall propose terms of accommodation and to decline their intended application for our assistance and support in the War, a circumstance which gave me much uneasiness at first, as I found that they came with a determined resolution to demand it in public and that not so much from necessity, as with design, thereby to judge the nature of our friendship and the regard we paid to former engagements of which they entertained great doubts. Concluding upon this to be a favourable occasion that must finally determine and direct their conduct towards us, for strict alliance with them are considered both offensive and defensive, any evasion or refusal from us would undoubtedly in their present disposition have so increased their suspicion and resentment to make our trade and frontiers feel the effects of that spirit of war, which now predominates among them, at a time we are very ill-calculated to defend the one or the other."

Great Britain would not interfere to prevent the Six Nations waging war and Sir William Johnson had explicit instructions not to interfere with them in their management and administration of their own national or tribal affairs or politics (a) and this rule was a cardinal principle with Great Britain in her dealings with this

Non-interference with their National affairs.

(a) N.Y. Doc. 8, P. 270. Hillsborough to Johnson, May 4th, 1771. "I am fully convinced, as well from what has passed at this meeting as from my observations of the dispositions of Savages in general, that those natural enmities and jealousies which subsist between one nation and another, if left to have their own operation without any interfering on our part, are a full security against any hostilities which they well know must, in the end, terminate in their own destruction and which, therefore, they will never attempt, unless provoked by such injuries and injustice as being common to all, may make the resentment of them a common cause. To prevent such abuses therefore, and when they cannot be prevented, to attempt to redress them, will, I doubt not be the principal object of your attention, avoiding as much as possible interfering or becoming partly in any councils the Indians may think fit to hold relative to their own interests. I do not mean by what I have said to express an opinion that there may not be some cases in which it may be desirable for the servants of the Crown in the Indian Department to take some share, nor would I have it understood that they ought to be totally indifferent about what passes at such meetings... but if we persist in making ourselves parties in their politics... it is impossible to say what consequences it may lead to."

Indian Confederacy, which then was in full possession on every principle of international Law of all the essential rights, including self preservation, of an independent state; nor did the position of Suzerain confer on Great Britain any further rights than those acquired by treaty with the lesser State, much less enable her to impose on such, a Constitution for the government of its internal or domestic affairs. Nor did the Suzerain ever attempt to do so.

(a) Hall's International Law, P. 338. "Whenever, or in so far as a State does not contract itself out its fundamental legal rights by express language, a treaty must be construed so as to give effect to those rights. Then, for example, no treaty can be taken to restrict by implication the exercise of rights of sovereignty, of property, or self-preservation. Any restriction of such rights must be effected in a clear and distinct manner.

In the case of the South African Republic, Great Britain while admitting the principle of International Law just referred to, refused to admit its applicability, for it did not "in the view of Her Majesty's Government apply to the case under consideration, which is not that of a treaty between two States on an equal footing, but a declaration by the Queen of Great Britain and Ireland of the conditions upon which she accorded complete self-government to the South African Republic subject to her suzerainty, these conditions having been accepted by the delegates of the South African Republic and subsequently ratified by the Volksraad. Despatch Rt. Hon. J. Chamberlain, Secy. of State for the Colonies, to High Commissioner Sir Alfred Milner, Oct. 16th, 1897. H.C. Pap. (C. 8721) 1898, P. 19.

No such conditions occur in this case to prevail against the principle above put forward on behalf of the Six Nations.

Loyalty  
of the  
Six Nations  
a help in  
difficulties  
with  
other  
Indians.

The ratification of the Treaty of Fort Stanwix has been referred to, and at the same Conference, on July 23rd, 1770, the Alliance between the British Crown and the Indians was renewed and confirmed (a).

About this time too, the policy of the British Government against any alliance between the Northern and Southern Indians was declared and Johnson received very explicit instructions from England on the subject, to endeavor

(a) N.Y. Doc. 8, p. 242. Sir William Johnson having desired their attention, spoke as follows. . . "It only now remains that I close this Congress in a suitable manner by adding strength and weight to our proceedings. I do, therefore, by this belt, renew and strengthen the covenant chain or alliance entered into between our ancestors and yours. I likewise clean and brighten it, so that it may not contract any rust, and I do assure you on the part of the Great King, that we shall take care to hold it fast and preserve it unhurt to the latest posterity, if you will on your parts be observant of the part which is in your hands, and take equal care of it. I likewise declare, that it is the intention of His Majesty and subjects to abide by and fulfill the engagements with you, so far as it is possible, and I recommend it to you all to make public transactions of this Treaty throughout all the Nations to the setting of the Sun; and as you value your lives, and wish to be happy, to abide by, and faithfully perform all that you have promised" . . . "Then the Chiefs of the several nations assembled to consider of an answer to the Covenant Chain belt, and after sometime spent, Abraham, the Mohawk Chief, stood up and in the name of the Six Nations and Canada Confederacy etc. etc., repeated what Sir William had said on said belt; and returned their most hearty thanks for renewing the covenant and they on their parts did the same."

and prevent this (a). The Governor of Virginia also wrote home, warning against any settlement on the Ohio, as it would be sure to precipitate an Indian war (b). Johnson could not prevent the agreement for union between the Northern and Southern Indians altogether, but wrote home that he relied on the loyalty of the Six Nations Deputies to defeat any dangerous schemes or resolutions (c), and in the August following, followed this with a letter to Hillsborough

(a) N.Y. Doc. 8, P. 247. Hillsborough to Johnson, Oct. 3rd, 1770. "The accounts which have been received through almost every channel of correspondence from America, or reports spread abroad, that a Union between the Northern and Southern Indians has been in agitation, have not failed to give us some uneasy apprehensions; such a Union cannot have been proposed, but with views of a very alarming nature, nor can it take effect without producing most fatal consequences; the King therefore doubts not that you have taken every method to investigate and discover the grounds of such reports, and in case there should appear any just reason to suspect such a design, that you have availed yourself of every advantage which the late Congress afforded you to defeat and disconcert it."

(b) Dunmore to Hillsborough, 12th Nov., 1770, N.Y. Doc. 8, P. 253.

(c) Johnson to Hillsborough, Feb. 18th, 1771. N.Y. Doc. 8, P. 262. "The advice I have now received enable me to acquaint you that the Great Council held at the Plains of Sioto is ended. That the design and endeavours of the Indians in that quarter was to promote such a union as I before apprehended and endeavoured with all possible caution to obstruct, but that the advice given by those of the Northern alliance joined to the private aversions for some of the rest, had occasioned it to end after many debates in general resolutions for promoting peace among all the nations, as a secondary introduction to a more strict alliance between the Northern and Southern people, which is to have for its object some particular undertaking, for which, matters did not, during the Congress, appear sufficiently ripe . . . The Deputies which are sent from the Northern Confederacy . . . met the Indians from Sioto at Fort Pitt, . . . and have, agreeable to their instructions in a spirited speech, summoned them all to reassemble at Sioto without delay, when and not before, they would communicate to them the determined resolutions of the Northern Indians, entered into at the German Flats Treaty, together with the subjects to the Embassy, on which they have one hundred belts. I have great confidence both in the fidelity and abilities of several of these Deputies, I have good hopes that when they meet those nations to whom they have been sent, they will be able to defeat any dangerous schemes or resolutions which are yet in view in that country and awaken those Nations' fears, who have given offence to the Northern Confederacy, which will provoke a check to their designs."

in which he stated (a),—

"Although there is some cause to doubt of the friendship of the Senecas on the Ohio and at Chenussio,.....yet I had not, neither have I any reason to suspect the rest of the Senecas, or any other of the Confederate Nations. Besides, I know it to have been before the practice of those nations more remote from us, and who are apprehensive of the Six Nations, to propagate stores much to the disadvantage of the latter, with a view to exasperate us against them, and thereby draw them into their association, and I am confident if an opportunity offered, I could give a demonstrating proof of their fidelity from the part they would take in our quarrels, if required so to do."

How well Sir William's confidence was justified was to be demonstrated later. Indeed the Six Nations were even at this period adopting the ways of civilization, and on August 31st, 1772, Governor Tryon wrote Hillsborough (b),—

Their  
Great  
Fidelity.

"Nothing less than manifest injury in my opinion will drive the Mohawks from their steady attachment to His Majesty's interest. They appear to be actuated as a community by principles of rectitude, that would do honour to the most civilized nations. Indeed, they are in a civilized state and many of them good farmers."

Similar tributes to their remarkable fidelity to the British are recorded by many other eminent persons of the time, such as Cadwallader Colden, the Schuylers and Mrs. Grant of Luggan.

(a) N.Y. Doc. 8, P. 280.

(b) N.Y. Doc. 8, P. 203.

The Senecas too, gave evidence of their desire to abandon some of their old tribal customs to more civilized ideas, and gave up for punishment three of their men, who had murdered some Frenchmen on Lake Ontario (a).

And now occurred the death of the great Sir William Johnson, their first Superintendent, of such influence among the Six Nations and their dependents, and one of the ablest and most

(a) N.Y. Doc. 8, P. 405. Johnson to Earl of Dartmouth, Dec. 16th, 1773. "About the same time the Chiefs of the Six Nations arrived at this place on the subject of the murder committed by a small party of Senecas on four Frenchmen..., when after sundry conferences in private with the principal men amongst them, as in public with them all, I have at length satisfied them that their ancient custom of making atonement and covering the graves (as they term it) is not, either can it be deemed any satisfaction for murder, in consequence whereof they have agreed to make restitution for the peltry taken from the deceased etc. and to deliver two of the murderers (the other having fled) for the performance of which they have left three hostages in my hands... I must observe that in case they fulfil their engagement, it will on many accounts be the best policy to show the prisoners as much clemency as is consistent with the dignity of government... and indeed it is the first instance wherein the Six Nations have been induced to make the atonement required by our laws, for as they derive no benefit from, and are not admitted to partake of them, they think it peculiarly hard to deviate from their own ancient usages in such cases, which were even confirmed by agreements between them and the white people of the first settlement of the country, and generally practiced to the present time." (See note (A) P. 18) One of Johnson's last acts was to write Dartmouth on May 2nd, 1774 (N.Y. Doc. 8, P. 421) referring to this case and stating:—"Indeed this is the first instance wherein the Senecas were ever prevailed on to sacrifice their ancient customs to our laws, by delivering up offenders, and therefore I hope it will establish a good and wholesome precedent, without even carrying it to the utmost rigour of the law." The surviving murderer (one died) was subsequently released.



devoted servants the British Crown possessed in North America. He died suddenly, in the midst of his labours, during a Conference with the Six Nations at Johnson Hall, on the 11th, July 1774. Colonel Guy Johnson his son-in-law and successor, wrote the Earl of Dartmouth the next day (a) stating;—

"My most esteemed father-in-law, Sir Wm. Johnson, in his last despatch to your Lordship, which was of the 20th June, had the honour to lay before you the very critical situation of Indian affairs occasioned by the cruelties and murders committed by Cressop (b) who with some frontier banditti, causelessly murdered near 40 Indians on the Ohio and that the Six Nations were then on their way to, and some of them already arrived at, this place in consequence thereof. About the 7th of this instant they all assembled at a time when Sir William found himself much indisposed, which may principally be attributed to his indefatigable Labours for the public security at an alarming juncture. He nevertheless held several conferences on the present posture of affairs until yesterday afternoon when his disorder increased, through his over-exertion, so much that he was obliged to be supported to his chamber, where he was seized with a suffocation of which he expired in less than two hours. The effect of this produced on the Indians was, as he had always apprehended, they assembled to the number of 500 around the house and expressed the utmost confusion and doubt. They next proceeded to send belts thro' all the nations to notify of his death and their apprehension that (if) he had not as yet received His Majesty's a pleasure respecting the care of their affairs, disorder might ensue and the Chiefs could no longer consult on, or promote peace. I must confess my Lord, that their sudden loss of a man of his public and private virtues very much disconcerted me, until my attention was awakened by their resolutions, the consequences whereof at this time were but too obvious. I therefore went to them and charged them not to be too hasty, that if their professions of regard for me, so often made to Sir William Johnson, were as sincere as I had reason to believe they should follow my advice and do nothing rashly".

(a) N.Y. Doc. 8, P. 471.

(b) This scoundrel was afterwards honoured by Congress and given a commission in one of the Rebel Regiments. His sins, however, seem to have overtaken him for he died at the early age of 33 years—one may be surprised to know, in his bed. His name will probably be long remembered from a celebrated speech of Logan, the Indian Chief, whose sons were among his victims.

Guy Johnson was temporarily appointed his successor on 5th September, 1774.

The  
Revolu-  
tionary War.

Before this though, events had begun in the British Colonies, which are their course was completed, had such a vital and lasting effect on the Six Nations Confederacy. The Revolution broke out, and notwithstanding their strenuous efforts for peace and neutrality, the Six Nations found themselves eventually involved in the struggle which took place. Massachusetts was in open rebellion against the King, in December 1773. The first American Congress met at Philadelphia on September 8th, 1774, to consider a Constitution



to frame a declaration of rights, and make a statement to the King of their attitude and demands. The "patriots" were everywhere collecting arms and amunitions, storing powder and diligently drilling, against the probability of a war with England.

The Six Nations were in a state of exasperation through the invasion by Virginia, of the Shawanese country, and a long series of unredressed land grievances, more especially as, Fidelity  
in the  
Revolution.

"some week but furious jealots have busied themselves in telling the Indians of the american disputes, that the King was set against the Americans and Indians, and that the latter must not expect any further attention, which occasioned much disquiet".

Guy Johnson, however, succeeded in preventing them then going to war in aid of their dependents, the Shawanese, and at a Council held at Guy Park, on January 24th, 1775, the Sachems addressed him saying:—

"You acquainted us yesterday with the particulars of what occasioned the King to send an armament to Boston, and told us it was a matter not in the least concerning us, which we were sensible of when we heard your reasons, and therefore shall not readily give ear to the reports spread relative to that affair by those who have no authority to treat with us on public business, and request you to do the same and listen to nothing upon Indian matters but what come from us by authority" (a).

The Rebellion spread among the Colonies, and in rapid sequence followed, the encounter at Lexington on April 19th, 1775, Bunker Hill, June 16th, 1775; the appointment of Washington, as Commander in Chief of the Continental Forces, and on August 23rd, 1775, the Proclamation by the King of a state of rebellion in the Colonies. It is not to be supposed that the occurrence of such events could be without effect on an Indian population, though when this is said, it is to be pointed out that both sides to the dispute, while they were ready enough to seek assistance from the Indians generally, were very careful in dealing with the Six Nations (b) to advise and encourage them to take no part in the war then begun, but to observe a strict neutrality.

(a) N.Y. Doc. 8, P. 528.

(b) Am. Archives, Vol. 6, P. 1011. Washington to President of Congress, New York, June 21st, 1776. "Mr. Bennett, the bearer of this, delivered me a letter from General Schuyler, enclosing the proceedings of the Commissioners of Indian Affairs at a meeting at Albany, in consequence of the resolution of Congress (as they say) which I transmitted the 7th inst., for engaging the Indians in our service. The gentlemen appear to me to have widely mistaken the view of Congress in this instance, and to have formed a plan for engaging such Indians as were not in contemplation. I cannot account upon what principles they have gone, as a part of their proceedings show they are about to hold a conference with the Six Nations."

The second American Congress met at Philadelphia, April 19th, 1775, and on July 12th, 1775, resolved that;—

"there be three Department of Indian Affairs, the Northern Middle and Southern, the Northern to extend to far South as to include the whole of the Indians known by the name of the Six Nations" (a)

(a) Laws of the United States, Washington, 1815, Vol. 1, P. 597.

having already on June 30th, 1775 resolved;—

“that the Committee for Indian Affairs do prepare proper talks for the several tribes of Indians, for engaging the continuance of their friendship to us, and neutrality in our present unhappy dispute with Great Britain” (b).

Nevertheless Congress had very little success.

(b) Laws of the United States, Washington, 1815, Vol. 1, P. 597.

The progress of the War, and the division in the Confederacy after the Treaty of Paris, 1783, is matter of history and save as it effects the relations between the Crown and the Six Nations, need only be referred to here. It would seem necessary though, to consider the question of how the Indians generally, and the Six Nations in particular, come to be engaged in the quarrel. The Second American Congress met at Philadelphia in April, 1775, and on June 15th, of that year, Washington was appointed Commander in Chief of the Continental Armies. One of his early acts was to write General Schuyler from Cambridge on August 20th, 1775, sanctioning his employment of the St. Francois Indians in the Colonial Armies (a). He again wrote Schuyler on 27th, January, 1775, justifying the employment of 500 Caughnawagas, notwithstanding they had, a few days before, solemnly engaged to be neutral in the contest (b). Guy Johnson on 14th December, 1774, had recommended to Dartmouth that;—

“Indians should never be engaged in our differences” (c), but Dartmouth on 5th, July, 1775, warned him the King might call on the Indians for assistance, in which case he would “protect them and preserve them in all their rights” (d).

(a) Am. Arch. Vol. 3, P. 213.

(b) Am. Arch. Vol. 3, P. 1481.

(c) N.Y. Doc. 8, P. 516.

(d) N.Y. Doc. 8, P. 592. “The present state of affairs in His Majesty's Colonies in which an unnatural Rebellion has broken out, that threatens to overturn the Constitution, precludes all immediate consideration in the domestic concerns of the Indians under your protection; nor it is to be expected that any measure that the King may think fit to take, for redressing the injuries they complain of respecting their lands, can, in the present moment be attended with any effect. It will be proper however, that YOU SHOULD ASSURE THEM IN THE STRONGEST TERMS OF HIS MAJESTY'S FIRM RESOLUTION TO PROTECT THEM AND PRESERVE THEM IN ALL THEIR RIGHTS: and it is more than ever necessary that you should exert the utmost vigilance to discover, whether any artifices are used to engage them in the support of the rebellious proceedings of His Majesty's subjects, to counteract such treachery and to keep them in such a state of affection and attachment to the King, as that His Majesty may rely on their assistance in any case in which it may be necessary to require it.”

and the King did call for their assistance on 24th, July 1775, when Dartmouth wrote Guy Johnson (a).

“I have already in my letter to you of the 5th instant hinted that the time might possibly come when the King, relying upon the attachment of his faithful allies, the Six Nations of Indians, might be under the necessity of calling upon them for their aid and assistance in the present state of America. The unnatural Rebellion now raging there, calls for every effort to suppress it, and the intelligence His Majesty has received of the Rebels having excited the Indians to take a part, and of their having actually engaged a body of them in

(a) N.Y. Doc. 8, P. 596.

arms to support their rebellion, justified the resolution His Majesty has taken of requiring the assistance of his faithful adherents the Six Nations. It is therefore, His Majesty's pleasure that you do lose no time in taking such steps as may induce them to take up the hatchet against His Majesty's rebellious subjects in America and to engage them in His Majesty's service."

In 1775, Congress solemnly agreed that Canada should share in the new-born liberties of the American Colonies, and sent an army there under Benedict Arnold, of historic fame, to free that country from the hated British yoke. Canada was practically defenceless at the time (b) when the American Forces crossed the border and approached St. John's, some 2000 strong, on 6th, September 1775 (c).

Services at  
Siege of  
St. John's.

(b) Am. Arch. Vol. 3, P. 26. "Two persons who have lately come from St. John's (being examined under oath before the General) give accounts that the King's Troops are well fortified at St. John's, that there is at that place 470 Regulars, and 110 at Chambly, about 12 miles distant; about 20 at Montreal and one Company at Quebec.

(c) N.Y. Doc. 8, P. 636.

The Rebels had cut off all Indian supplies and Guy Johnson, in order to obtain the same, and in consequence of instruction from General Gage, went to Ontario (now Oswego) and there, in May 1776, assembled 1458 of the Indians (a) who agreed to defend the communication with Canada, on which the Six Nations expressed such a determined resolution before the Commisison from the Colonies, at Albany, in August previous to this (b). Johnson after assembling the Indians at Oswego in July, set out for Montreal, with a body of them and 220 Rangers, arriving there on the 17th of that month, and there convened a second body of the Canadian Indians, numbering 1700. Johnson wrote Dartmouth on October 12th, 1775 (c);—

"The preparations for the defence of this Province and the annoyance of the enemy going on very slowly, thro' the prejudices of the Canadian, and the want of influence among the Nobles, and Governor Carleton not judging it expedient to permit the Indians to pass the limits of the Colony, the latter after a stay far beyond what is usual with Indians, began to return to their respective countries, giving assurances of their readiness to return whenever there was a prospect of troops or military operations, leaving me however, with a body about 500 in three camps. On the 6th of September the rebel army advanced in view of St. John's and the first division, consisting of about 700 men under General Montgomery, began to land near that place; on which the Indians there marched out, and tho' unsupported by any troops etc. gave them so warm a reception, that after being twice repulsed, they retired with precipitation, with the loss of about 100 killed and wounded."

Thus the Six Nations were at first almost the only defenders of British interests in Canada.

(a) N.Y. Doc. 8, P. 636.

(b) See P. 111.

(c) N.Y. Doc. 8, P. 636.

It was this section Brant referred to in his speech to Lord George Germaine in London, on 14th, March 1776, when he informed him;—(a)

"Brother, the disturbances in America give great trouble to all our Nations, as many strange stories have been told to us by the people in that country. The Six Nations who have always loved the King, sent a number of their Chiefs and Warriors with their Superintendent to Canada, last Summer, where *they engaged their Allies to join with them in the defence of that country, and when it was invaded by the New England people, they alone defeated them.* Brother, in that engagement we had several of our best warriors killed and wounded, and the Indians think it very hard they should have been so deceived by the white people in that country, the enemy returning in great numbers and no white people supporting the Indians, they were obliged to retire to their villages and sit still."

After this happening, Congress resolved on November 23rd, 1775, (b).

"That the said Commissioners (for Indian Affairs) be desired at the expense of the United Colonies, to provide for and entertain the Sachems and Warriors of the Six Nations, and other Indians *friendly to these Colonies*, their attendants and messengers, with the accustomed hospitality, when they come to Albany or Schenectady, to treat, or give intelligence of public affairs, or upon a visit."

(a) N.Y. Doc. 8, P. 670.

(b) Laws of United States., P. 599.

Just a few words may be added on this subject, of the employment of the Indians in the service of the Colonies, as showing the improbability of the Six Nations "sitting still" under such circumstances.

Some  
Partisans  
of the  
Revolu-  
tionists.

On May 19th, 1776, the Commissioners reported on their return from Onondaga, that the Six Nations were peaceable and well affected (a). On May 22nd, Washington writes he fears the resentment of the Indians if Johnson seized, which was nevertheless attempted (b). On June 8th, Schuyler writes to Congress that if the other nations join the King's forces, the Oneidas, Tuscaroras, Oquahgoes, and Caughnawagas have agreed to join the Americans (c). On June 3rd, Congress authorized Washington to employ Indians "not exceeding 2000" in Canada (d). On June 17th, Congress further provided that he could employ these Indians;—

"In any place he shall judge they shall be most useful and that he be authorized to offer them a reward of \$100.00 for every Commissioned officer, and \$3.00 for every private soldier of the King's troops that they shall take prisoner(e)."

Congress then asked the Commissioners for Indian Affairs in the Northern Department to procure the assistance of the Indians

(a) Am. Arch. Vol. 6, P. 511.

(b) Am. Arch. Vol. 6, P. 544.

(c) Am. Arch. Vol. 6, P. 762.

(d) Am. Arch. Vol. 6, P. 914.

(e) Am. Arch. Vol. 6, P. 1709.



in their Department to act against the enemies of the Colonies, and that;—

“they particularly endeavour to engage them to undertake the reduction of Niagara, engaging on behalf of Congress to pay them \$133.33 for every prisoner they shall take and bring to Headquarters”—

and

“that the Commissioners for Indian Affairs in the Middle Department be directed to use their utmost endeavours to procure the assistance of the Indians within their Department; that they particularly endeavour to engage them to undertake the reduction of Detroit, upon the same terms offered the Indians who shall go against Niagara (a)”

On June 20th, Washington writes Schuyler (b);—

“I am hopeful the bounty Congress have agreed to allow, as you will perceive by the last resolve will prove a powerful inducement to engage the Indians in our service, and their endeavours to make prisoners of all the King’s troops they possibly can. You will use every method you shall judge necessary to conciliate their favour; and to this end you are authorized to promise them a punctual payment of the allowance Congress have determined on for such officers and privates belonging to the King’s Army, as they may captivate and deliver us.”

Joseph Brant, the great British champion, soon became the principal war-chief of the Six Nations. In February, 1777, the New York Provincial Council thought it “necessary to provide means for apprehending” him, and though this was modified to a negotiation between the officer, Col. John Harper, charged with this duty, and the Indians. Harper met the Indians in a friendly way, wearing their dress, provided a feast and made a speech. The Indians claimed to be still neutral, and Harper said he thought they meant to be. Messrs. Halsey and Ketchum both quote a description of Brant in 1782, from Captain Jeremiah Snyder;—

(a) Am. Arch. Vol. 6, P. 1711.

(b) Am. Arch. Vol. 6, P. 992.

“He was a likely fellow of a fierce aspect—tall and rather spare—well spoken, and apparently about 30 years of age. He wore moccasins, elegantly trimmed with beads, leggings and breech-cloth of superfine blue, short green coat, with two silver epaulets, and a small laced round hat. By his side hung an elegant silver mounted cutlass, and his blanket of blue cloth purposely dropped in the chair, in which he sat, to display his epaulets, was gorgeously decorated with a border of red (a)”

(a) Reference to Beauchamp, Pp. 352, 353, 354.

On the 6th, August 1777, took place the fight at Oriskany near Fort Stanwix, garrisoned by the Americans in spite of Six Nations objections and plain statements as to the inevitable consequences,

which while resulting in a victory for the British and Six Nations, proved of no lasting benefit (b).

(b) N.Y. Doc. 8, P. 719. "The rebels having an imperfect account of the number of Indians that joined us (being upwards of 800) not thinking them by one quarter as many, and being sure as to our strength and artillery (which we learned by prisoners) that they knew it from their emissaries before we left Canada, they, therefore on the 6th marched on to the number of 800 with security and carelessness. When within six miles of the fort, they were waylaid by our party, surprised, briskly attacked, and after a bitter resistance, were repulsed and defeated, leaving upwards of 500 killed on the spot, among which were their principal officers and ring-leaders." Stone says, Vol. 1, P. 241, only 200 Americans were killed. Joseph Brant had charge of the Indians in this fight.

On the third December following, Congress made a final effort to win over the Six Nations to the American cause, issuing an address to them for that purpose, but the appeal produced no effect (a).

(a) Stone, Vol. 1, P. 296. Extract: "Brothers, Sachems and Warriors of the Six Nations, Hearken to our Counsel, Let us who are born on the same great Continent, love one another, our interest is the same, and we ought to be one people, always ready to assist and serve each other. What are the people who belong to the other side of the great waters to either of us. They never came here for our sakes, but to gratify their own pride and avarice. Their business now is to kill and destroy our inhabitants, to lay waste our farms and houses. The day, we trust, will soon arrive, when we shall be rid of them forever. Now is the time to hasten and secure this happy event. Let us then from this moment, join hand and heart in the defence of our common country. Let us rise as one man, and drive away our cruel oppressors. Henceforth let none be able to separate us. If any of our people injure you acquaint us of it, and you may depend upon full satisfaction. If any of yours hurt us, be you ready to repair the wrong or punish the aggressor. Above all, shut your ears against liars and deceivers, who, like false meteors, strive to lead you astray, and to get us at variance. Believe no evil of us till you have taken pains to discover the truth. Our Council-fire always burns clear and bright in Pennsylvania. Our Commissioners and agents are near your country. We shall not be blinded by false reports or false appearances."

Great  
Sacrifices  
for Britain.

So closed the year 1777, and the stage was now set for the opening of the tragedy of the Six Nations Confederacy, which in the succeeding five years vainly struggled against forces too strong even for their skill and bravery; and in its last grim act, witnessed the emigration of this ancient people from their country south of the Great Lakes, to their new territory in Canada, after the total destruction of their homes in New York, and the deaths of an unnumbered but large proportion of their people, who perished in open battle with the foeman, or in consequence of the privations and misery of a savage war.

Badly  
Treated.

Neither the dalliance of Howe, the bad faith of Clinton with Burgoyne, or the ineptitude and vanity of Cornwallis, which combined to cast the palm of final victory to the American cause, made any difference to the Six Nations. With dogged perseverance and invincible resolution they fought on, often in little parties of isolated detachments under partisan leaders, and with neither supplies nor ammunition, but they never surrendered; and when finally the remnants of their people came to Canada and gave up the fight, it was because Great Britain made peace with her revolted colonies, acknowledged their independence, and forgot in the day of her humiliation, to make any provision by which the ancient homes of the Six Nations people, might be secured to her too faithful Allies of that Confederacy.

Before closing this period of the relations of the Six Nations with the British Crown, a few words may be added in plain statement of what these Indians suffered in their country and the devastating nature of a war of extinction so mercilessly waged against them by the revolted colonists. A modern commentator tells us (a)

Their  
Losses.

Sulli-  
van's  
Expedi-  
tion.

"Sullivan was even then on his devastating march. General Clinton received his orders, June 2nd, 1779, arriving at Canajoharie June 16th, where there were 1500 men. Thence 220 boats were taken to Otsego Lake, the water of which was raised by a dam. This being opened, the fleet went swiftly down the swollen stream,—The intendant is briefly this; left Otsego Lake August 9th, destroyed Alcout, a Scotch settlement August 12th, and passed Unadilla, burned in 1778. Aug. 12th, passed Conihunto or Gunney-gunter, 14 miles below Unadilla and burned in 1778, Aug. 14th, reached Onoquaga, where Butler burned sixty good houses, church and fort in 1778, Aug. 17, burned houses at the Tuscarora village three miles below, the Tuscarora town of Shawhiangto a mile further, and Ingaren, another Tuscarora village near Great Bend. Aug. 18, Otsiningo was found already burned, but some houses were set on fire below the Chenango River. Other houses were burned next day and a detachment from Sullivan was met at Union, which had burned a village there and a Choconut. In the evening, Owego was burned. Aug. 22, Clinton joined Sullivan at Tiogo, a place burned in 1778. Old Chemung had been long abandoned and new Chemung was burned Aug. 13th, while Sullivan waited for Clinton.—Aug. 31st, the Army was put in light marching order and Middleton, Kannawalololla and scattered houses were burned, as well as a village at Big Flats, Sept. 1st, Calharine's Town, or Sheoquaga, was reached, three miles from Seneca Lake, and it was destroyed Sept. 3rd. Another small place was burned next day and Kendai on the 6th. The latter had twenty houses and some curious tombs. The day before a Cayuga hamlet was burned. Sept. 7th, the Seneca castle of Kanadasega was reached, a mile and a half northward of Seneca Lake. It had sixty good houses and an old stockade. Next day twenty houses were burned at Kashong of Gotsinquan, a few miles south, and Skoiuase, or Long Falls, was also destroyed, where Waterloo now stands. This had eighteen houses. Sept 10th, about thirty fine houses were burned at Canandaigua. Next day Anyayea, or Honeoye, was reached and its ten houses spared for present use,.....Sept. 13th, they reached Adjuste, or Kanaghsawa, now Conesus, the home of Big Tree. Its twenty-five houses were burned and eight more at Little Castle,.....Chenuccio, or Genesee, was reached Sept. 14th. It was west of the river and had one hundred and twenty-eight fine houses, all of which were destroyed, with about 15,000 bushels of corn."

(a) Beauchamp P. 363 et. seq.

But, why go on? Beauchamp gives two more pages of this tragic diary. He adds, "Sept. 30th, the Army reached Fort Sullivan at Tioga, having burned forty villages and destroyed 200,000 bushels

of corn, besides fruit trees"....."The Iroquois were in great distress through the winter, many dying from pestilence (a)".

(a) Tioguanda, Speaker of the Onondagas, stated at a Council held at Niagara, December 11th, 1782, "In the year 1779, when the rebels attacked the villages of the Six Nations, the cruelty of the rebels was equally great, for when they came to the Onondaga town (of which I was one of the principal Chiefs) they put to death all the women and children, excepting some of the young women that they carried away for the use of their soldiers and were put to death in a more shameful and scandalous manner; yet these rebels call themselves Christians." Can. Arch. B. 119, P. 173.

Reports  
of  
Congress  
on Their  
Titles.

Under date of Tuesday, August 20th, 1782, the following extracts are taken from the Journals of Congress (a).

"one of the objects, and which is intimately connected with the independence of the United States, is the exterior boundary, by which their extent is to be defined.—At p. 487, "With respect to the boundaries of the States—New York assigns as sources of her title, the Grant from Charles Second to the Duke of York, in 1663-64, the Capitulation of the Dutch in the same year, the Treaty of Westminster, 1674, and the renewal of confirmation of the Duke's Grant, immediately after the Treaty. *This State adds, that the lands on the West side of the Connecticut River below to it under the farther title accruing by the subjection of the Five Nations, the native proprietors, and that the country as far Northward as the River St. Lawrence, and westward without known limits, is the property of New York, as having been formerly possessed by those tribes of Indians and their tributaries.*"

If we search further back, under date of May 1st, 1782, we find the following (b) Report of a Committee of Congress:—

"The reasons that induced your Committee to recommend the acceptance of this Cession (i.e. of lands from the States of New York) are:—

1. It clearly appeared to your Committee, that all the lands belonging to the Six Nations of Indians and their tributaries, have been in due form, put under the protection of the Crown of England by the said Six Nations, as appendant to the late Government of New York, so far as respects jurisdiction only.
2. That the citizens of the said Colony of New York have borne the burden, both as to blood and treasure, of protecting and supporting the said Six Nations of Indians and their tributaries, for upwards of one hundred years last past, as the dependents and allies of the said Government.
3. That the Crown of England has always considered and treated the country of the said Six Nations and their tributaries, inhabiting as far as the 45th degree of North Latitude, as appendant to the Government of New York.
4. That the neighboring colonies of Massachusetts, Connecticut, Pennsylvania, Maryland and Virginia, have also from time to time by their public acts, recognized and admitted the said Six Nations and their tributaries to be appendant to the Government of New York.

(a) Vol. XXIII, 1782, P. 473 et seq.

(b) Laws of United States, Vol. 1, P. 606.



The above is quoted not as an accurate statement of fact, but as showing the process by which the Six Nations lost their ancient territories in New York, and the West.

The Treaties of Fort Stanwix of October 22nd, 1784, and Fort Harmar, January, 9th 1789, which secured certain lands to such of the Confederacy as chose to remain in the United States, need only be mentioned here.

Cessions  
to State of  
New York.

On the 29th day of March, 1797, the process was completed when Joseph Brant and John Deseronto on behalf of the Mohawk Indians, did:—

"cede and release to the people of the State of New York forever, all the right or title of the said Nation to lands within the said State; and the claim of the said Nation to lands within the said State, is hereby wholly and finely extinguished."

On the 7th April, 1779, Governor Haldimand had delivered to the Six Nations, the following document (a):—

"His Excellency General Haldimand, Esqre., Captain General and Commander in Chief of the Province of Quebec, and upon the frontiers of Quebec &c. &c. some of the Mohawks of the Villages of Canojaharie, Tikondarago and Aughuago, whose settlements then had been on account of their steady attachment to the King's service and the interests of Government ruined by the rebels; having informed me that *my predecessor Sir Guy Carleton was pleased to promise, as soon as the present troubles were at an end, the same should be restored at the expense of Government, to the state they were in before these broke out and said promise appearing to me just, I do hereby ratify the same and assure them the said promise so far as in me lies, shall be faithfully executed, as soon as that happy time comes.*

Gen. Haldi-  
mand's and  
Gen. Carle-  
ton's  
Formal  
Promises.

Given under my hand and seal at Quebec the 7th April, 1779.

(Signed) Fred Haldimand.

And this promise of Carleton's solemnly made at the time of their services and losses, and as solemnly repeated in writing by Haldimand in the name of the Empire, was henceforth to be the mainstay and principal dependence of the Six Nations people in all their troubles and reverses. How it was redeemed, will be dealt with.

(a) Can. Arch. B, 106, P. 106.

## SIX NATION STATUS

## ARRIVAL AND SETTLEMENT IN CANADA

*Present position*

Treaty of  
Paris 1783.

Art. 1. His Britannic Majesty acknowledges the said United States, viz.;—New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claim to the Government, property and territorial rights of the same and every part thereof.

Art. 2. And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are, and shall be, their boundaries, viz.;—from the northwest angle of Nova Scotia, viz., to an angle which is formed by a line drawn due north from the source of Saint Croix River to the highlands; along the said highlands which divide those rivers that empty themselves into the River St. Lawrence from those which fall into the Atlantic Ocean, to the northwestern most head of Connecticut River, then down along the middle of that river to the forty-fifth degree of north latitude; from there by a line due west on said latitude, until it strikes the river Iroquois, or Cataragui, then along the middle of said river into Lake Ontario, through the middle of said river until it strikes the communication by water between that lake and Lake Erie; then along the middle of said communication into Lake Erie, through the middle of said Lake until it arrives at the water communication between that lake and Lake Huron...."

Art. 5. It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective States, to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects...."

Extracted from Articles 1, 2, and 5, of the definitive Treaty of Peace between the United States of America and His Britannic Majesty, signed at Paris, September 3rd, 1783.

No  
Provision  
for Six  
Nations.

Neither the Provincial Articles of Peace between Great Britain and the United States, of November 20th, 1782, nor the definitive Treaty of Paris, of September 3rd, 1783, made any provision for the protection of the territories of the Six Nations and their dependants, as defined by the Treaty Fort Stanwix of 1784, and while Great Britain did, in Article 5 of the definitive Treaty of 1783, seek to protect the interests of "Real British Subjects", it was obvious, or at least very questionable (and therefore ineffective) that such a clause did not protect her allies, the Confederated Six Nations and their dependants in the possession and enjoyment of their widespread country

(a). The surprise and perplexity of General Haldimand and the British Authorities in Canada at this omission was only equalled by the consternation and despair of the Six Nations themselves, who saw themselves apparently deserted by the British Crown, in this their hour of greatest need.

(a) Can. Arch. B. 119, P. 184. Speech of General Schuyler to the Six Nations as repeated at the Council held at Tosisha, July 2nd, 1783. "I am directed by Congress to call you together and inform you that Peace is at last agreed upon between the King of Great Britain, France, Spain and the Americans. The Great Spirit above has helped and given us success and with the assistance of France, have conquered the King of England. We are now masters of this Island and can dispose of the lands as we think proper, or most conveniently to ourselves, that the King of England, can never hereafter make the least claim to any part of it. At the commencement of this war, many of our people left us, some went to Niagara and others to different places where the King's troops lay. These people have forfeited every part of their lands and property to us for so doing, which must be a convincing proof that we are the conquerors. At that time, I requested the Six Nations to lay still, but no attention was paid to my advice, they therefore are now in the same situation with these people who left us, *their lands forfeited* in the same manner. As we are the conquerors, we claim the lands and properties of all the white people as well as the Indians who left and fought against us. We inquired of the King what he intended to do for the Indians, as we expected he would have been very particular about them, he being the person who should have considered their situation, but the King answered "What can I do, *nothing*, you have conquered me, therefore do with them what you please." However, it is not yet so bad with the Indians, as they can move across the lakes, these parts still belong to the King."

Governor Haldimand had transmitted to the Indians, on February, 19th, 1783, his promise, under seal, as to what the Government would do for them which he, however, felt come short of meeting their wishes, but was the limit of his then authority (a). He apparently first heard of the proposed peace terms, however, in April, 1783, when he wrote Maclean, commanding at Niagara, giving an outline of what he understood these were, greatly fearing the effect on the Indians if these did not provide for their security (b). On April 26th, he again wrote Maclean (c) stating the reports of peace had been confirmed, that the boundaries had been too justly described in his previous letter and that the nicest attention was to be paid to the management and conduct of the Indians. He would if possible, avoid promulgating the terms in the hope of receiving some consolatory instructions "concerning the Six Nations."

Haldimand's  
Promise.

(a) Can. Arch. B. 115, P. 76. This sealed promise cannot be discovered.

(b) Can. Arch. B. 104, April 21st, 1783, P. 401.

(c) Can. Arch. B. 104, P. 407.

Maclean wrote Haldimand on May 2nd, (a)

If the terms of peace are as reported, the Indians will be outrageous. Sir John Johnson should be here at once, his presence was never more needed. Colonel Johnson ought also to be here as he has made promises to the Chiefs, known only to him and them.

On May 3rd, 1783, John Butler wrote Captain Matthews from Niagara that the Indians were "secured at their lands being ceded to the Americans," (b) and on the 9th of May, Maclean wrote Haldimand (c);—

Their  
Disappointment.

With respect to the boundaries, alas, they were perfectly well known on the 23rd, April to every Ranger in Butler's

(a) Can. Arch. B. 103, P. 118.

(b) Can. Arch. B. 169, P. 3.

(c) Can. Arch. B. 103, P. 147.

Corps. Few of the Indians yet know them, and I will endeavour to keep them in good humour. Joseph Brant though brave and faithful is the most troublesome, being the best instructed. He has gone to see Sir John Johnson.

On May 13th, Maclean wrote Matthews (Secretary to Haldimand) (d) suggesting it would be good policy to keep Joseph Brant in Canada for some time, and to get him to write to David and Aaron that they would not be forgotten. "In the meantime Sir John Johnson should come up whilst Joseph is in Quebec. Joseph said that England has sold the Indians to Congress and these people might, by and by, retaliate and try to ingratiate themselves with Congress."

On April 26th, Haldimand had written to Ross (commanding at Oswego) he would not disclose the unfavourable terms of the preliminary articles of Peace till he saw whether provision had not been made for the Indians (e) and on April 20th, Ross had written Haldimand (f) that he had concealed these from the Indians, but

(d) Can. Arch. B. 103, P. 157.

(e) Can. Arch. B. 124, P. 85.

(f) Can. Arch. B. 124, P. 19.

on May 14th, had to further write him (a);—

the preliminary articles concealed from the Indians have now burst out. Will use every means to console the Indians, whose resentment grows. Will watch their motions as he remembers what took place at the close of the last war.

Indeed, the time for concealment, had it ever been of any service, had passed.

On May 18th, 1783, Maclean wrote Haldimand (b);—

The Indians from the surmises they have heard of the boundaries, look upon our conduct to them as treacherous and cruel; they told me they never could believe that our King could pretend to cede to America what was not his own to give, or that the Americans would accept from him, what he had no right to grant. That upon a representation from the Six Nations in 1768, the King had appointed Sir William Johnson a commissioner, to settle the boundaries between the Indians and the Colonies. That a line had been drawn from the head of Canada Creek (near Fort Stanwix) to the Ohio, that the boundaries then settled were agreeable to the Indians and the Colonies, and had never been doubted or disputed since; *that the Indians were a free people, subject to no power on earth; that they were the faithful Allies of the King of England not his subjects; that he had no right whatever to grant away to the States of America their rights or properties without a manifest breach of all justice and equity, and they would not submit to it.* They added, that many years ago, their ancestors had granted to the French King, permission to build trading houses, or small forts, on the water communication between Canada and the Western Indians, in the heart of their country, for the convenience of trade only, without granting one inch of land but whatever the forts stood upon, and that at the end of the last war they granted leave to Sir William Johnson to hold these forts for their Ally, the King of

(a) Can. Arch. B. 124, P. 21.

(b) Can. Arch. B. 103, P. 175.



England, but that it was impossible from the circumstances only, to imagine that the King of England should pretend to grant to the Americans, all the whole country of the Indians lying between the lakes and the fixed boundaries as settled in 1768, between the colonies and the Indians, or that any part of it could be claimed by the Americans, or granted by the English to them. They did not wish to go to war, with, or expect friendship from either. . . . They would not be the aggressors but they would defend their own just rights or perish in the attempt, to the last man; they were but a handful of small people but they would die like men, which they thought preferable to misery and distress if deprived of their hunting grounds. The charge of treachery and cruelty is repeated, of which only Christians were capable; the Indians would not act so to friends and allies.

Maclean added they had promised to be quiet and silent till he (Haldimand) had heard from England, as they considered he had always been their true friend.

On May 19th, Sir John Johnson wrote Haldimand (a) that Brant and John the Mohawk were going to Quebec as Deputies from the Six Nations, whose fidelity and services "deserve recognition." The Six Nations may be prevailed upon to remove to the West side of Lake Ontario Joseph Brant hinted at this, wishing that the loyalists might be settled somewhere near them."

Suggested  
Settlement  
in Ontario.

On May 22nd, 1783, Haldimand instructed Sir John Johnson (b) in view of the alarm and dissatisfaction of the Six Nations at the provisional articles of the Treaty, it would be absolutely necessary for him to go to Niagara and keep them in temper till arrangements could be made for their establishment, for which he had made representations to the King's Ministers.

On May 23rd, Haldimand wrote Maclean (c);—

I am glad to find by your letter of the 9th instant, and the proceedings of Capts, Brant and Powell (that the Indian notwithstanding the Peace, manifested so strongly a continuance of their attachment to Government) on the late alarm, I flatter myself we shall still be able to preserve their affections and to convince them that however necessary it has been for the Nation to conclude this distinction (six) and war and to separate themselves from the Colonies, it has *never been the intention to abandon them, and withdraw them from the favour and protection of the Crown as long as any part of the Continent remains in our possession.* To convince them of this, I have determined without waiting for instructions from home, to send up Major Holland immediately to Cataraqui to examine the North side of Lake Ontario, with a view to settle such of the Six Nations as will prefer that situation to the risk of being subjected to the power of the United States, by returning to their former habitations.

(a) Can. Arch. B. 115, P. 76.

(b) Can. Arch. B. 115, P. 106. "to keep them in temper till I can have it in my power, either by instructions from His Majesty, or, in failure thereof, by mature consideration, to make such arrangements for their future establishment as shall seem best calculated to promote their happiness. From the letters I wrote last Autumn to the King's Minister upon the subject, I have every reason to expect satisfactory and decisive Instructions, and doubt not that I shall soon receive them.

(c) Can. Arch. Pub. Arch. Series B. 96, 2 Vol. 2, Hald. Pap. P. 232.

Sir John Johnson objected to being sent on his errand, and on May 26th, wrote Haldimand (a) wishing Butler to undertake the duty. Haldimand, however, was firm and on May 29th, despatched by Captain Matthews, a letter to Sir John (b) stating;-

"His Excellency desires him at once to go to Niagara, so as to prevent the spread of discontent which already exists. He sympathizes with him in his situation, which he hopes is not so bad as may appear, but neither that, nor the expected arrival of bills from the upper posts can serve as a plea for his absence from the principle seat of his duty at so critical a period."

Brant's  
Efforts.

Brant had now arrived at Quebec on his mission on behalf of the Six Nations, and on May 21st, addressed the Governor General on their behalf (c);-

"Wherefore Brother, I am now sent in behalf of all the King's Indian Allies, to receive decisive answer from you, and to know whether they are included in his treaty with the Americans, as faithful Allies should be, or not, and whether those lands which the Great Being above, has pointed out for our Ancestors and their descendents, and placed them there from the beginning and where the bones of our forefathers are laid, is secured to them or whether the Blood of their grandchildren is to be mingled with their bones thro' the means of our Allies, for whom we have often so freely bled."

(a) Can. Arch. B. 115, P. 111. "Object to being sent to pacify them, Butler is on the spot and has every requisite necessary for that end."

(b) Can. Arch. B. 115, P. 117.

(c) Can. Arch. B. 26, P. 5. "Translation of a speech delivered to His Excellency General Haldimand, commander in Chief etc. By Capt. Joseph Brant, alias Thayendanegea, in behalf of the Six Nations, their Allies and dependents. Since the conquest of Canada, all the Indian Nations, whom they style (as a distinction of Superiority) their Unakes. Said Captain Brant being sent express from Niagara to Quebec at the earnest request of Said Nations, upon their hearing of a Peace being conducted between the King and his subjects the Americans, and arrived at Quebec, 21st May, 1783. After the Usual Introductory Salutation Capt. Brant spoke as follows;

"Brother Asharekowa and Representatives of the King: The Sachems and War Chieftains of the Six United Nations of Indians and their Allies have heard that the King their Father has made Peace with his children the Bostonians, the Indians distinguish by Bostonians the Americans in Rebellion as it first began in Boston, and when they heard of it, they found that they were forgot and no mention made of them in Said Peace, *wherefore they have now sent me to "inform themselves before you of the Real Truth whether it is so or not, that they are not Partakers of that Peace with the King and the Bostonians:*

Brother: Listen with Great attention to our words, we were Greatly alarmed and Cast down when we heard that News and it occasions great discontent and surprise with our people, wherefore tell us the Real Truth from your Heart and we beg that the King will be put in mind by you and Recollect what we have been when his People first saw us, and what we have since done for him and his subjects.

Brother: We the Mohawks were the first Indian Nation that took you by the hand like Friends and Brothers and invited you to live amongst us, treating you with Kindness upon your Debarkation in Small Parties. The Oneidas, our neighbors, were equally well disposed towards you and as a mark of our Sincerity and Love towards you, we fastened Your Ship to a great mountain at Onondaga; the Center of our Confederacy; the rest of the Five Nations approving of it; we were then a great people, conquering all Indian Nations round about us, and you in a manner but a handful after which you increased by degrees and we continued your friends and Allies joining you from time to time, against your enemies, sacrificing numbers of our people, and leaving their bones scattered in your enemies Country, at last we assisted you in conquering all Canada, and then again for joining you so firmly and faithfully, you renewed your assurances of protecting and defending ourselves, lands and possessions, against any encroachment whatsoever, procuring

Continued on page 1271

On June 2nd, 1783, Sir John Johnson again formally stated his objections to going to Niagara to pacify the Six Nations (a) stating;—

“Although Butler dreads the disagreeable duty of dealing with the Indians and wishes to leave Niagara before it should take place, he (Johnson) cannot think he is to have the pain of taking the duty to save one who has had all the advantage and credit of the work done in the Department.

The Governor General was peremptory and on June 5th, replied (b) regretting;—

“this difference of opinion upon the necessity of his (Johnson) visiting the Six Nations, on which he must insist as a matter of strict duty at so critical a time, which he must report fully to the King's Ministers. Butler has never hinted

(a) Can. Arch. B. 115, P. 121.

(b) Can. Arch. B. 115, P. 123.

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*Continued from page 1270*

us the enjoyment of a fair and plentiful trade, of your people and set contented under the shade of the tree of Peace. *Tasting the favour and friendship of a great Nation bound to us by Treaty, and able to protect us against all the world.*

Brother: You have books and records of our mutual Treaties and Engagements which will confirm the truth of what I have been telling and as we are unacquainted with the art of writing we keep it fresh in our memory of Belts of Wampum deposited in our Council House at Onondaga. We have also received an Ornament for the Head, i.e. (a Crown) from her late Majesty Queen Ann, as a Token of her mutual and unalterable Friendship and Alliance with us and our Confederacy. Wherefore, we on our Side have maintained an uninterrupted attachment towards you, in Confidence and Expectation of a Reciprocity and to establish a *Perpetual Friendship and Alliance between us*, of which we can give you several instances, To Wit, when a few years after the Conquest of Canada, Your People in this Country though themselves confined on account of their numbers with Regard to a Scarcity of Land we were applied to for giving up some of ours and fix a line or mark between them and us. We considered upon it, and relinquished a Great Territory to the King for the use of his subjects, for a trifling consideration, merely as a confirmation of Said Act, and as a proof of our sincere Regard towards them. This happened so late as the year 1768 at Fort Stanwix, and was gratefully accepted and ratified by the different Governors and Great men of the respective Colonies on the Sea Side in presence of our Late Worthy Friend and Superintendent, Sir William Johnson, when would be the consequence, but in Vain. The insatiable thirst for Power was the next Object of dissatisfaction “to the King's subjects on the Sea Coast, and they to blind our eyes, sent Priests from New England amongst us, whom we took for Messengers of Peace, but we were surprisingly undeceived when we found soon after, that they came to sow the seeds of discord among our People, in order to alienate our ancient attachments and alliance from the King our Father, and join them in Rebellion against him, and when they stood up against him, they first endeavoured to ensnare us, the Mohawks, and the Indians of the Six Nations living on the Susquehanna River, and the Oneidas, by which division they imagined the Remainder of the Confederacy would soon follow, but to not the least Effect.

About this said period we lost our Greatest Friend Sir William Johnson, notwithstanding we were unalterably determined to stick to our ancient treaties with the Crown of England and when the Rebels attempted to insult the Families and Descendants of our late Superintendent, on whom the management of our affairs devolved, we stuck to them and protected them as much as in our Power, conducting them to Canada with a determined resolution inviolably to adhere to our alliance at the risk of our lives, families and property, the rest of the Six Nations finding the firmness and steadiness of us, the Mohawks and Aughquagos, followed our example and espoused the King's cause to this present instant.

It is as I tell you, Brother, and would be too tedious to repeat on this pressing occasion the many proofs of fidelity we have given the King our Father.

Wherefore Brother, I am now sent in behalf of all the King's Indian Allies to receive a decisive answer from you, and to know whether they are included in the Treaty with the Americans, as faithful Allies should be or not, and whether those lands which the Great Being above has pointed out for our Ancestors, and their descendants, and placed them there from the beginning and where the bones of our forefathers are laid, is secure to them or whether the Blood of their Grandchildren is to be mingled with their Bones, thro' the means of our Allies for whom we have often so freely bled.”

Gave a large Belt of Wampum.

at his desire to avoid the disagreeable duty; if he had he (Haldimand) would have reported it to the Ministry in the strongest term."

On June 9th, Sir John wrote Haldimand agreeing to go to Niagara (c);—

On the 26th May 1783, Haldimand had written Sir John Johnson (d).

"Since my last letter to you I have conferred at large with Colonel Claus and Joseph Brant upon the expediency of settling such of the Six Nations Indians on the North side of Lake Ontario and River Niagara, as shall prefer that situation to the risk of returning to their former settlements, now subject to the Americans, and it gives me pleasure to find that Joseph so readily adopts the Plan. Uncertain when I shall receive Instructions from Home upon this interesting subject, and finding that the Indians are becoming very impatient of, and discontented, with their present situation, and as I am informed by Joseph, they are in daily expectation of receiving proposals from the United States, I have come to a resolution to send off Major Holland, the Surveyor General, to Cataraqui to examine that place and country upwards, and if he should find them favourable to my view, he is to make application at Carleton Island for assistance to make a beginning. He goes properly prepared in every respect for this business, and although other duty will oblige him to return before it can be accomplished, he will leave it in such a train as to have it effectually performed, and such a report procured as will enable me to decide with certainty upon the success of the measure. Wishing that Joseph may, from personal knowledge and observation have it in his power to make a faithful report to the Indians of what is doing in this matter, and give his opinions of what it is likely to turn out. I have desired him, with a few Mohawks of his own choosing, to accompany Major Holland to Cataraqui, and in the meantime agreeably to my letter of the 22nd instant, I wish you, without delay, to proceed to Niagara to quiet the apprehensions of the Indians by convincing them that it is not the intention of Government to abandon them to the resentment of the Americans. Joseph will deliver to you my answer to the speech he brought in behalf of the Six Nations, which you will please to communicate to them on your arrival at Niagara, with whatever speech may be proper from yourself upon the occasion."

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(c) Can. Arch. B. 115, P. 125.

(d) Can. Arch. B. 115, P. 113.

Delays.

Brant long afterwards complained (a);—

"From the time of delivering that speech near three years we have had no answer, and remain in a state of Great suspense and uneasiness of mind."

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(a) To Lord Sydney, London, January 4th, 1786. See Can. Arch. Q. 26, P. 1.

and a copy of Haldimand's reply does not seem to be available in the records, but its nature can be gathered from the proceedings at the Council at Niagara on Sir John Johnson's arrival there, of which there



is a report. Brant does not seem to have been present at this Council and it may be supposed was still engaged on the inspection of lands near Cataraqui, as Haldimand had suggested.

Sir John Johnson met the Six Nations and their dependents at The Niagara Council, 1783. Niagara and after the Condolence Ceremony, on the 22nd of July, 1783, on the 23rd, the Council convened for business some 1685 Indians, including 107 Chiefs, being present with the Superintendent General, and a number of Officers, of the Garrison and Indian Department.

The following are extracts from the speeches and proceedings of the Council (b);—

*Sir John Johnson:* "It was my intention to have visited you early in the spring but the unfortunate event of the War, and the want of proper information relative to your situation as well as our own, prevented me, and would still have done so until I should be fully acquainted with everything necessary for your information, had I not been told of your impatience to see me, and been directed by the Command in Chief to assemble you at this place, and *give you his answer to your speech addressed and delivered to him by Captain Brant:*

(b) Can. Arch. B. 119, P. 195.

Brethren—Altho' the King, your Father, has found it necessary for the happiness and ease of his more domestic subjects, to conclude a long, bloody, expensive and unnatural war by a Peace which seems to give you great uneasiness on account of the boundary line agreed upon between His Majesty's Commissioners and those of the United States, *yet you are not to believe, or even think that by the line which has been described it was meant to deprive you of an extent of country of which the right of sell belongs to and is in yourselves as sole proprietaries as far as the boundary line agreed upon, and established in the most solemn and public manner, (in the presence and with the consent of the Governors, and Commissioners deputed by the different colonies for that purpose) by your late worthy brother and friend, Sir William Johnson, in the year 1768, at Fort Stanwix. Neither can I harbour an idea that the United States will act so unjustly, or impolitically, as to endeavour to deprive you of any part of your Country under the pretence of having conquered it. The King still considers you his faithful Allies, as his children, and will continue to promote your happiness by his protection, and encouragement of your usual intercourse with Traders, with all other benefits in his power to afford you.* I, therefore, in the most earnest manner, recommend to you for your own advantage to bear your losses with many fortitude, forgiving and forgetting what is past, looking forward in full hopes and expectation that on the return of the blessings of Peace, and cool and just reflection, all animosity and enmity will cease—Conciliation succeed and friendship be renewed, and as a proof of your inclination to promote that desirable end, let me once more recommend to you to collect and give up without exception, all prisoners that may be yet among you, and as an inducement to comply with what I

recommend, and as a proof of His Majesty's bounty and attention to you, I have brought up a large assortment of everything necessary to supply your wants, and I have further, the satisfaction to acquaint you that so far from being neglected or cast off when your services can be no longer wanted, as has been very unjustly imagined and reported, the King has ordered out a large cargo of goods to supply your further wants, as well as to afford relief to all such among you, who by the fortune of war, the loss of friends, old age or infirmation, are rendered unable to support themselves."

On the 24th, July, Sayengaraghta (Seneca Chief) said (in part):

"We have duly considered the Commander in Chief's speech to us in answer to our delivered to him by Captain Brant, we are both pleased and satisfied with it, and are fully persuaded both by his answer and by his sending you to meet us here; that he is not inattentive to our interests and happiness, as by your timely arrival at this great Fire Place, we are relieved from that anxiety and uncertainty which distressed the Six Nations. We again lift up our heads and from His Excellency's words are induced to believe the terms of Peace are not so unfavourable as at first represented, and we beg you to assure him that we shall strictly attend to his advice and patiently wait for further information relative to our affairs;—"

Brother—You informed us that the King, our father, found it necessary to conclude a long and unnatural war by a Peace which appeared to give us great uneasiness, on account of the boundary line agreed upon between His Majesty and the United States. *You also have induced us to believe that by that line it was not intended to deprive us of our country, of which the right of soil was in ourselves, agreeable to the Treaty of 1768, at Fort Stanwix.*

Brother—We are exceedingly happy to hear your opinion on that subject, it's true we have been very uneasy, and with much reason; our fears relative to our country having given us great concern, but should the Americans molest or claim any part of our country, we shall then ask assistance of the King, our Father, who still considers us his faithful Allies, and children, and will continue to promote our happiness by his protection and encouragement. We undoubtedly are and hope he thinks us faithful Allies, and hope to be supported by him on all occasions agreeable to what you mentioned to us yesterday, when you assured us that the King still considers us his faithful Allies, for we have assisted him in his battles and have done whatever was required during the War, notwithstanding the War was entirely his own, and we had nothing to do with it, farther than assisting him as old Allies . . ."

28th July, 1783:— "Sir John Johnson addressed the Indians in answer to their speech, as follows:—

"Brothers—The opinion I gave you relative to the Boundary Line agree upon, I conceive to be just, and as we are yet uninformed of what secret Treaties may have taken place,

or indeed that even the definitive treaty is as yet signed. I am in hopes that matters may turn out more favourably than we at present apprehend them to be. Brethren, "*The many spirited and constant proofs you have during the course of the war given of your attachment to the King, your father, can leave no room to doubt that you are his faithful Allies, and His great attention in supplying your wants in a generous manner will assure you that he considers you as his children and will give you every reasonable assistance when necessary . . .*".

Undoubtedly this address was delivered to the Six Nations Confederacy and was the voice of the Government, which assured them that whether they lost their lands in the newly created States nor not, they were the same people who, from earliest times, had been the faithful Allies of the Crown of Great Britain, and that their Status had not been altered or affected by the changes brought about by the War of the Revolution.

At the close of the War, the Mohawks were temporarily residing on the American side of the Niagara River, in the vicinity of the old landing place above the fort. The Senecas who had been in closer alliance with the Mohawks during the War than any other of the Six Nations, and who had themselves been chiefly induced by the former to take up the hatchet against the United States, offer them a tract of land in the valley of the Genessee. But, as Captain Brant long afterwards said in one of his speeches the Mohawks were determined to "Sink or Swim", with the English, and besides they did not wish to reside within the boundaries of the United States. The generous offer of the Senecas was therefore declined, and the Mohawk Chief proceeded to Montreal to confer with the Superintendent General of Indian Affairs, Sir John Johnson, and from thence to Quebec, to claim from General Haldimand, the Commander in Chief, the fulfilment of his pledge, made on April 7th, 1779 (a). The General received the warrior with great kindness and evinced every disposition to fulfill the pledge in the most honourable manner.

(a) See P. 123.

The tract upon which the Chief had fixed his attention was situated upon the *Bay of Quinte*, on the north side of Lake Ontario, and at his request, General Haldimand agreed that it should be purchased and conveyed to the Mohawks. On the return of Thayendanegea to Niagara, the Senecas were disappointed at the arrangement, and pained at the idea their friends were to be located at so wide a distance from them. They were apprehensive that their troubles with the United States were not yet at an end; and were, therefore, exceedingly desirous that the Mohawks should reside so near as to assist them in arms if necessary or afford them an asylum should they be obliged to flee from the oppression of the United States. Under these circumstances, Captain Brant convened a Council of his people, and it was resolved that he should make a second visit to Quebec, and under the peculiar circumstances request another and more convenient territory.

The country upon the *ouse*, or Grand River flowing into Erie some forty miles above the Falls of Niagara, was Lake Erie

Tract  
at  
Quinte.

Grand  
River  
Tract.



indicated to General Haldimand as a location every way convenient, not only for maintaining a ready intercourse with the residue of the Six Nations, but also as affording facilities for corresponding with the nations and tribes of the Upper Lakes. His Excellency approved of the suggestion and promptly ordered a second purchase to be made in conformity with their request. On inquiring the extent of the territory expected by the Mohawks, Brant replied "Six miles on each side of the river, from the mouth to its source." With assurances that the Grant should be formally secured in fee, in due season the Chief returned once more to Niagara, and shortly afterwards entered into possession of the lands allotted for the new home of his people. (a);—

Brant  
and  
Gov.  
Simcoe,  
1795.

(a) The above account is taken from Stone's Life of Brant, Vol. 2, Pp. 238, 239. Stone says the narrative of facts is derived from a long speech of Captain Brant, made in Council, to Gov. Simcoe, in 1795, a copy of which is preserved among the Brant papers. A protocol of the negotiations between the Governor General and the Mohawk Chief is preserved in the Canadian Archives (B. 169, P. 131) as follows:

"substance of Captain Brant's wishes respecting forming a settlement of the Mohawk and others of the Six Nation Indians upon the Grand River etc."

"What His Excellency the Command in Chief, should give the Superintendent and Inspector General of Indian Affairs, Instruction and empower Lieut. Col. Butler to purchase from the Mississague, or proprietors, a tract of land containing about six miles on each side of the Grand River called Oswego running from the river La Tranche into Lake Erie, for the use of the Mohawks and such of Six Nations as are inclined to join them in that settlement, Col. Butler is fully acquainted with the views and inclinations of Capt. Brant and the Mohawks respecting this settlement and only waits the General's approbation to make the purchase. The sooner this can be done the better, as they would remove this Spring in time enough to plant corn etc. and Capt. Brant would propose that some of this party be sent off upon this business to Col. Butler as soon as he returns to Montreal. The above limits are only meant for the Indians of the Six Nations who may settle 'there, but a more considerable tract of land may at the same time be purchased on very reasonable terms whereon to settle Loyalists, or for any future purpose."

"As the losses which the Mohawk Nation have sustained in their settlements and property by the Rebellion are very considerable, and have so impoverished them as to prevent their settling upon fresh ground with any vigour unless assisted by Government.

They request that His Excellency will be pleased to identify their said losses, which have been faithfully ascertained and amount to near Sixteen Thousand Pounds, New York Currency, or if any delay should be necessary in this business, that he will, in the meantime grant some part there, for the aforesaid purpose, to be distributed amongst them where assistance is most necessary, in proportion to the losses which have been sus-

tained. The Nation has pressed Capt. Brant to be very solicitous upon this subject with the General. We therefore cannot help being anxious to its success, having lost their whole substance and being deprived of every means of subsisting except by hunting. They further request that until their settlements shall be in some forwardness, the Commander in Chief will assist them with reasonable quantity of Provisions." Capt. Brant in this application does not by any means wish that Partiality should be shown to the Mohawks, he speaks in behalf of the Six Nations in general and although the losses of the other Nations have been infinitely less considerable than those of the Mohawks, he is equally solicitous that they should be considered, which from his own knowledge and the conversation he has had with Sir John Johnson & Col. Butler, he thinks may be done to their satisfaction by an ample supply of clothing and he wishes this to be done before the meeting with the American Commrs. shall take place, as well to content the Indians, as for Partial Measures."

"Sir John Johnson will be instructed to purchase a tract of country between the Three Lakes, Ontario, Erie, and Huron, one of which the Tract required by the Mohawks for the Six Nations will be granted to them by a Deed. The rest will be reserve for Loyalists, or any future purpose. His Excellency the Commander in Chief, sensible of and satisfied with the Merit and services of the Mohawks and others of the Six Nations, who have been firm in their allegiance to the King thro' out the War, will not fail to recommend to His Majesty in the strongest terms that identification be made for their Losses, but until he shall receive instructions for that purpose, he cannot take upon himself to do it, he will nevertheless in order to relieve their present distress, himself risk advancing



The Six Nations were still anxious about what was to become of them and on the 2nd October, 1783, invited Brigadier General Maclean to meet them that day in Council at Niagara. Maclean had instructions from the Governor General to do all he could to reassure the Indians (a).

Tagia, a Cayuga Chief, opened the Council stating;—

"We beg leave to acquaint you that *this meeting is our own, being still a free people*. It is therefore our right to call a Council and invite you to the fire kindled by the Six Nations and Confederates, in conjunction. We have made it our duty to attend the King's Fire when-ever desired, and paid the strictest attention to whatever was advanced, and still remember every advice given to us, to which we have as nearly followed as circumstances would admit."

When they thought they would have Peace, they were told by the Americans "the King had given them all our lands, this not only by report but we have since seen them on different parts encroaching on our Country." They wanted the British to tell the Americans not to cross their lines or interfere with their persons or property.

"You have also repeatedly told us that you would remain with, and share the same fate as ourselves, but on our serious consideration, we have reason to fear that we shall be left alone to defend our women and children, and a country that has so long supported them, against a people who seem determined to overrun it;—we beg that you'll recollect that you have repeatedly told us (during the war) to follow your advice as it was, and would be, our interest so to do; we now entreat your candour and plainly tell us how we are likely to benefit by it, but we are apprehensive by the present appearance of affairs that our interest is greatly lessened, as we are not even thought of in the Provisional articles of Peace."

On October 4, the reply of General Maclean and Colonel Butler (Deputy Superintendent General) was delivered to the Indians:—

"You have undoubtedly a right to kindle your Council Fire whenever you may think it necessary, and also assure you that we are at all times ready to attend and hear what our Brethren

(a) Haldimand to Maclean, May 23rd, 1783, Pub. Arch. Series B. 96, 2, Vol. 2, Haldimand paper P. 232. "In consequence of the necessity you represented there is for the present (sic) Sir John Johnson, I have ordered him to Niagara immediately to quiet the apprehensions of the Indians until some arrangement can be fixed upon for their future settlement and I flatter myself that from his influence and good management and the assistance you will in every matter where you are concerned afford him, this will not be found as difficult to accomplish as it has appeared to be in the first moments of disappointment and despair."

(b) Can. Arch. B. 119, P. 240.

Continued from page 1276

to the Mohawks on the account of the losses they have sustained, Fifteen Hundred Pounds, New York Currency and Sir John Johnson will have directions to forward the Clothing required as a Gratification for the Six Nations in general, as soon as the navigation will permit."

Provisions will also be allowed for a reasonable time in such proportions as

the Quantities in Store and the vast Consumption occasioned by victualling the Loyalists could possibly admit of, some utensils for settling will be furnished with every aid that can be given for the speedy and happy re-establishment of such of the Six Nations Indians as have been driven from their former Habitation.

sd. P.H.

have to say and cheerfully give them our advice. *You certainly have always been a free people, and are still, and it is our earnest wish that you may remain so*, as to your strict attention to the King's Fire it is very true, and doubtless you are sensible that it never deceived, or led you astray. (Strings of wampum) Brothers, we have frequently told you in Council since Peace has been concluded upon between the King, Your Father, and the Americans, and we now again repeat to you that the boundary line agreed upon and settled by your late worthy friend Brother, Sir William Johnson, at a meeting held at Port Stanwix, in 1768, was all the lands that the King ever claimed, of course he could never give away what was not his own, neither can the Americans with propriety ask it."

They promised to transmit the speech of the Six Nations to the Commander in Chief and Sir John Johnson, who would make them a further answer.

On the 6th October, the Six Nations with Deputies from the Shawnese, Delawares, and Cherokees, had a Council among themselves, when Shoharise, a Cayuga Chief, announced the determination of the Six Nation:—

"We have called you, our younger Brethren, to this meeting, to request your remembrance of everything agreed upon in Council at Sandusky, and afterwards at this Fire Place, and we most earnestly request that you will, on your return home, recommend Brotherly Love amongst the different Nations; be unanimous and bound fast together in our Chain of Friendship, as we the Six Nations are determined to be of one mind and act as one man; and continue to follow the advice of our Brothers the English . . . . We soon expect the Definitive Treaty of Peace, which will most certainly relieve us from our present state of suspense." (Strings of Wampum).

"This belt we sent you some years ago, in order to unite us all together as one, we are happy that it met with success, and return you our most sincere thanks for the attention that was paid to us and it, which has been the means of uniting many nations with us, of course will terminate greatly to the advantages of all. We brought this belt from Sandusky the other day, to show it to our Chiefs and Warriors, but not return it to you again, as you are the most central, consequently the most proper place for it to be kept, so that all our Brethren (when passing your Council Fire) may have an opportunity of seeing it, to remind them of what has been said thereon. A Belt.

Brethren—These Belts were received from the Americans as invitations to meet them, but the season being so far advanced that we cannot possibly meet them until spring, we will send messengers to acquaint them with the reason of our delay. Should the Virginians invite you to Fort Pitt, we recommend to you to send a few of your people to attend, as we wish to live in friendship with the Americans, but at all events to keep our lands, this we intend to tell them."

A true understanding of the relations between the British and the Six Nations Confederacy at this time cannot be arrived at with-

out a few explanatory words regarding their close alliance with the Western Indians, and how this concerned the British, and while it is not necessary for the purpose of this statement of facts, that the subject should be amplified in view of the constant use made by the British of the Six Nations in their political dealings with the Western Tribes, for a considerable number of years after the conclusion of the Peace of 1783, some reference must be here made to the subject.

These Western Indians were the descendents of those Indians represented at the Treaty of Fort Stanwix, in 1768, recognized then as dependents of, in alliance with, and settled on lands recognized by that Treaty as belonging to, the Six Nations Confederacy.

Brant said, in his address to Governor Haldimand, of May 21st, 1783, (a) these people called the Six Nations their Uncles "as a distinction of superiority." The Six Nations address them at the Council just above mentioned, as "our younger Brethren."

Owing to the refusal of the Americans to carry out the terms of the Treaty of Paris, the British declined to deliver possession to them of what were known as the Western posts, namely:—Oswegatchie (Ogdensburg), Oswego, Detroit, and Mackinaw. These posts were in the country

(a) P. 130.

recognized by the Treaty of Fort Stanwix as the "Indian Country". So soon as the Indians discovered no provision had been made for the security of their possessions by the Treaty of Paris, as has been seen, they became very restive and threatened to go to war in defense of these. Such a condition it was thought by the British would result in a renewal of hostilities between that country and the United States, and in the endeavour to avoid this and maintain peaceable possession of the posts in the Indian Country, Great Britain depended very greatly on the political influence of the Six Nations on these, their dependents. Without this aid, the political situation was full of danger; and when War eventually did take place between the Indians and Americans, without this, it would have been difficult to confine it to these belligerents.

As has been already mentioned, New York claimed the country of the Six Nations as either hers, or included in her sphere, by conquest; and Congress had recognized this and resolved;—

U.S.  
claims  
of Six  
Nations  
Country.

"That by Congress accepting this Cession (from New York) the jurisdiction of the whole Western territory belonging to the Six Nations and their tributaries will be vested in the United States, greatly to the advantage of the Union.(a)"

It was one thing for Congress to so resolve, but quite another to acquire peaceable possession of these lands, and on May 1st, 1783, Congress further resolved (b);—

"That the Secretary of War take the most effectual measures to inform the several Indian Nations on the frontiers of

(a) See P. 122.

(b) Laws of U.S. Vol. 1, P. 607.

the United States that preliminary articles of Peace have been agreed on and hostilities have ceased with Great Britain, and to communicate to them that the forts within the United States, and in possession of the British troops, will speedily be evacuated; intimating that the United States are disposed to enter into friendly treaty with the different tribes; and to inform the hostile Indian Nations that unless they immediately cease all hostilities against the citizens of these States, and accept of these friendly proffers of Peace, Congress will take the most decided measures to compel them thereto."

Commissioners were appointed by Congress to negotiate treaties with the Indians, and it was to an invitation from these Commissioners the Cayuga Chief referred, in addressing his "younger brethren" at Niagara, as above mentioned.

It may just be added that the Six Nations deputies on this occasion had just returned from a general council of the Alliance, held at Sandusky, August 26th to September 8th, when an Agreement was arrived at for common action (a).

A. McKee, Deputy Superintendent, wrote Sir John Johnson, on September 9th, referring to this meeting (b);—

"The meeting with the Six Nations at Sandusky has been of singular service in removing their uneasiness and in preventing them from drawing mischief on themselves by continuing hostilities on the frontiers of the United States. Their well grounded suspicions of the designs of the Americans against their country confirmed by the movements of intending settlers."

To return to the more local aspect of the then position of the affairs of the Six Nations with the Crown, Haldimand did not receive a very favourable report of the lands at Cataraqui (c) designed for their new settlement, a subject which greatly engrossed his attention. He wrote Lord North, the British Premier, on 27th November, 1783, stating;—(d)

I hope that the several letters which I have written during the course of last summer, will have given your Lordship and others His Majesty's Confidential Servants, a more clear and exact idea of the state of things in the Upper Countries and of the views and expectations of the Indians. *They entertain no idea (tho' the Americans have not been wanting to insinuate it) that the King either has ceded or had the right to cede their territories or Hunting Grounds to the United States of North America. These people my Lord, have an enlightened idea of the nature and obligation of Treaties as the most Civilized Nations have and know that no infringement of the Treaty in 1768, which fixed the limits between their country and that of the different provinces in North America,*

(a) Can. Arch. B. 119, P. 220.

(b) Can. Arch. B. 119, P. 237.

(c) Can. Arch. B. 126, P. 67.

(d) Can. Arch. Q. 23, P. 46.



can be binding upon them without their express Concurrence and consent. Your Lordship will observe that the object of their General Confederacy is to defend their country against all invaders.

In case things should proceed to extremities, the event no doubt, will be the destruction of the Indians, but during the contest, not only the Americans but perhaps many of his Majesty's subjects will be exposed to great distresses. To prevent such a disastrous event as an Indian War is a consideration worthy the attention of both nations, and cannot be prevented so effectually as by allowing the Posts in the Upper Country to remain as they are for some time. I already hinted to your Lordship my wishes that my Orders will be to withdraw the Troops and Stores from the Posts within a certain time and to leave the Indians and Americans to make their own arrangements as to taking possession, but this will depend upon the conditions of the definitive Treaty. *It would certainly be better for both nations and the most likely means to prevent jealousies and quarrels that the intermediate country between the limits assigned to Canada by the Provisional Treaty and those established as formerly mentioned by that in the year 1768, should be considered as entirely belonging to the Indians and that the subjects neither of Great Britain nor of the American States should be allowed to settle within them, but that the subjects of each should have liberty to trade where they please. (a)*

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(a) As will be seen, this idea was subsequently seriously entertained by the British authorities. The idea was by no means confined to the British. The Americans also considered it, though not in connection with this Territory. I quote from an interesting paper by Annie H. Abel, Associate Professor in the Woman's College of Baltimore. "Proposals for an Indian State, 1778-1878," appearing in Report American Historical Association for 1907, p. 89. "The recent admission to statehood of Oklahoma, with its mixture of red, black, and white inhabitants, marks the definite abandonment of an idea that had previously been advocated at intervals for more than a hundred years. This idea was the erection of a State, exclusively Indian, that should be a bona fide member of the American Union. Its first appearance dates back to the Treaty of Fort Pitt, negotiated with the Delawares in 1778. In the sixth article of that document, commissioners from the Continental Congress stipulated that friendly tribes might, with the approval of Congress, enter the Confederacy and form a State, of which the Delawares should be the head. The permission thus granted was entirely a matter of military expediency: yet it was never noted upon, very probably because the Indians had no adequate conception of its significance, were unprepared to take the initiative, and the white men disinclined to do so. Seven years later the arrangement, somewhat similar in its ultimate purpose, for the Cherokees, who were told that they should "have the right to send a deputy of their choice when ever they" should "Think fit to Congress" . . . "The basis for these various plans and, indeed, for some that preceded and for many that followed lay in a tacit acknowledgment of Indian Sovereignty. Each European nation that gained a foothold in the New World had to reckon with the Indians, and often against its better judgment to treat with them as independent entities. The only way to insure its own safety and its own advancement was to seek their alliance, guarantee their integrity, and admit their territorial claims, even while asserting a preemptive right of its own. The various projects for an Indian neutral belt from 1761, to 1814 were all in line with the doctrine of Indian Sovereignty." . . . "Moreover in those years when the Indian Tribes could figure so prominently and effectively as friend or foe their rights were at a premium, especially during the Revolutionary and Confederacy eras and during the critical period that followed, when Spain, France and Great Britain taking advantage of the weakness of the United States, were independently intriguing for the control of the Mississippi Valley."

As Indian Territory.

Many of the fugitive Mohawks were stationed at this time near Montreal, where they were supplied with necessities till arrangements were completed for their future settlement (a) and they obtained an adjustment of their losses owing to the Revolution. (b)

(a) Can. Arch. B. 114, P. 304.

(b) From a statement dated, Niagara, 11th January, 1784, these were;—

Mohawks .....	£8030	19
Oneidas .....	320	4
Aughaugas .....	718	
Tuscaroras .....	201	9
N.Y. C.Y.	£9470	12

besides 3000 acres of wood-land belonging to the Mohawks Indians, not included in above. Can. Arch. B. 115, P. 219.

Brant had previously told Haldimand at Quebec the Mohawk losses alone amounted to £16,000 N.Y. Cy. and Haldimand pending settlement, advanced £1500 Cy. in the emergency. Subsequently Sir John Johnson and Lieut. Col. Claus in 1786 certified the losses of the Mohawks at about £15,000 Sterling. Can. Arch. Q. 26, P. 73, and in a letter dated 6th April, 1786, (Can. Arch. Q. 26, P. 80) from Lord Sydney to Brant, stated, "the losses already certified by his Superintendent General" the King had directed "shall be made good."

The events of the year 1784, now entered upon, show clearly enough that whatever the views of either American or Great Britain, as to the effect of the Treaty of Paris on the relations of either with the Six Nations, or however these may have been tempered in the case of the latter Power, by a feeling of commiseration for her Allies, in their threatened loss of both country and possessions, *neither of them in the least disputed the status and political capacity of the Six Nations as a free people, with whom both had under the circumstances arising from the Treaty, to treat as such, before Britain or America could make available the provisions of the Peace thus agreed upon both; nor, did either Great Britain or America minimize the advantages to be gained by either from the renewal or the establishment of a close friendship and alliance in the future, between either Power and this still powerful Indian Confederacy.*

The Six Nations had answered General Schuyler's speech to them of the previous July (a) stating as the King, their Father, had informed them he had made Peace with the Americans and requested them to lay down the axe, they were willing to do so and live in peace and friendship with Congress, provided Congress would leave their possessions undisturbed.

"we cannot think ourselves in the least blamable for taking the part we have done, neither can we think that any Nation whatever, acquainted with our situation, will impartially say that we have done wrong by giving a helping hand to our good and ancient Allies. (b)"

(a) P. 125, note.

(b) Can. Arch. 119, P. 246.

They could not at present accept the invitation to a Conference, but in the meantime, as "We are perfectly acquainted with the exactness that Christian Powers attend to all Treaties or settlements of peace," they desired Congress might inform them "who the proper persons are for us to meet and treat with on this serious and solemn business." They also wished to know whether Congress had authorized a survey of their lands, contrary to the Treaty of Fort Stanwix.

Congress  
invites  
them to  
a Con-  
ference.

Under date of January 1784, the Board of Commissioners for Indian Affairs issued a long address, dated at Schenectady, in answer to the Indians (a) stating;—

*"If the English have informed that ye Indians were included in the peace, which is concluded between the former and us, they have deceived, the Treaty does not contain a single stipulation for the Indians, they are not so much as mentioned in the Treaty, they are therefore left to settle matters with Congress, the Treaty a copy whereof I now deliver you and will prove what I say that Congress gave the same information as the British, we know it is not true, they only sent word to the Indians that Peace was concluded between America and Great Britain and recommended that the Indians should refrain from hostilities and that they were willing to give them peace, and this Congress did least the Indians should continue the war and thereby render themselves so obnoxious as to oblige us to extirpate them....."*

*"Congress has never done anything more than to signify their intention to give peace to all the Indians within the bounds of the United States on terms of mutual convenience, that the terms should be communicated in a General meeting....." "The commissioners are not authorized to declare what the terms of peace will be, they will be communicated at a proper time, that is when a General Treaty is held....."*

*"It is true that a line of property was settled in 1768, but it is not the business of the Commissioners at this time to say whether this agreement and every other heretofore made is become void or not, by the unprovoked war, which the Indians have waged against the Americans, after they had, in the most solemn manner pledged their faith to observe a strict neutrality; this must be determined at the General Meeting proposed to be held, when boundaries will be established between property to be appropriated to the use of the Indians, and that for the use of the Americans."*

*"We conclude with advising all Indians to come to the General Meeting....."*

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(a) Can. Arch. B. 119, P. 249.

A meeting was held at Niagara on 6th March, 1784, by the British Sachems and Chiefs of the Six Nations in the presence of Colonel Butler, Deputy Agent Indian Affairs (a) when the address of the American Commissioners was interpreted and considered, and it was decided to send messengers to all the nations to keep themselves in readiness to attend;—

*"at a General Council, or Treaty, time and place we will inform them by a runner, which probably will be immediately after we receive the answer from Congress; that General Schuyler alludes to in his speech."*

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(a) Can. Arch. B. 119, P. 261.



In the meantime, propositions for the settlement of the Indians north of the Lake went on, and Sir John Johnson wrote Haldimand;—

"Captain Brant and David have desired me to acquaint your Excellency that their business at this time is to propose a settlement of the Mohawks and others, on the Grand River about twenty miles from the head of Lake Ontario, their reasons are Political and no doubt good—the Mohawks here (Montreal) are determined to abide by their first resolution of settling about the Bay of Kenty, the Chiefs John and Isaac preferring the rule of a few to the risk of losing their consequence among the whole (b)."

Under date of March 17th, 1784, (c) Sir John Johnson was advised from Niagara of the meeting there on March 6th and of the decision of the Six Nations to send Deputies to a General Council to be called by the American Commissioners. He was also told;—

"The Chiefs also say that they have, during the late War, assisted the King everything in their power and done everything that was desired of them, therefore they are fully persuaded that he will not forsake them at this critical time. . . ."  
 "A young man. . . . informed David Karaghkuntz since the meeting, that Peterus was frequently in private with General Schuyler and a Canawaohare Indian, by name *Grasshopper*, who have in conjunction sent a warm and friendly invitation (in private) to all the Oneidas, Aughquagos, Cananghsaragoes, and Tuscaroras, now with us, to return to their former possessions, on which they shall be protected and have peaceable possessions on the (Addition) lands as far as the old Onondaga town, from thence to Oswego on the Susquehanna and also the lands east of "that river that was allotted to the Aughquagos in 1768. This information has already kindled some jealousy and very likely to create a good deal of uneasiness."

(b) Can. Arch. B. 115, P. 234, 11th March, 1784.

(c) Can. Arch. B. 119, P. 263.

Haldimand on the 24th March, sent word to the Six Nations Indians;—(a)

"I take the opportunity of Captain Brant's return to Niagara to salute you, and to acquaint you that I have not yet received any answer from Home to the Representations I made to the King in your favour last year, when I transmitted your Speeches upon the subject of the Peace, to be laid before him."

On April 8th 1784, Captain Matthews wrote Brant (b);—

"I received with much pleasure, your letter of the 4th instant, and have shown it to His Excellency the Commander in Chief. You are so well acquainted with the interest he takes in the welfare and happiness of the Mohawks, that I need not tell you the concern which every circumstance will give him that can interfere with either. As such, he considers Captain

(a) Can. Arch. B. 119.

(b) Can. Arch. Series B. Vol. 63, Hald, Pap. P. 190.



John's unwillingness to unite with you. His endeavours to join the Mohawks at La Chene with those who are desirous to settle upon the Grand River, *being satisfied that your strength, influence and existence, as a respectable Nation depends entirely upon a perfect Union and close connection with each other, which can never subsist while you are so far separated. The proposed situation has climate, soil, clear ground and every advantage in its favour, your interests would be united and your Nation would soon grow strong, rich and happy, and acquire its former consequence.*"

On April 12th 1784, Governor Clinton of New York addressed a message to the "Mohawks, Onandagas, Cayugas, and Senecas (c);—"

"We are persuaded from the communication made by General Schuyler, that you are heartily inclined to renew that ancient friendship which heretofore subsisted between you and us, and between your forefathers and ours; that your intentions are honest, generous and sincere. We are glad to have (hear) it because we wish that all animosity should be buried in eternal oblivion and a future friendly intercourse should prevail between us, to the benefit of both. To this end we now invite you to meet us in Council at the German Flats, where you will also find the Oneidas and Tuscaroras, and we hope that all animosity will be amicably adjusted and that we may part from each other reconciled Brethren."

(c) Can. Arch. Series 23, P. 339.

Haldimand had been advised of the Council of the Six Nations on the 6th March, and on the 12th April wrote Sir John Johnson, (a) expressing his views on the speech of General Schuyler and how pained he was that it would be impossible for him to advise the Indians as to their treatment of the American proposals. He did, however, recommend them to an honourable peace with the United States, and it would seem apparent the British Authorities

(a) Can. Arch. Pub. Arch. Series B. Vol. 63. Haldimand Papers P. 203. "I have received your letter of the 8th Instant transmitting copy of meeting of the Six Nations held at Niagara the 6th ultimo . . . and communicating Joseph Brant's wish to return immediately to Niagara, and to receive my directions and advice upon the subject of General Schuyler's speech. I have considered it attentively and think it a very insolent one, and tending to disquiet the Six Nations, which is evidently the object of Congress, from the insidious means which it appears by the extract from Colonel Butler's letter, Mr. Schuyler has taken to withdraw part of the Six Nations to the interest of the States. You know that I lost no time in representing in the fullest manner to the King's Ministers the dissatisfaction manifested by the Six Nations on their knowledge of their country having been ceded to the Americans by the provisional Treaty, and earnestly solicited some speedy instructions and relief for them. To this day I remain without any answer whatever to my application; so situated, it is a painful reflection to me to remain silent when called upon for advice by these unfortunate, deserving people. As it is hazardous to give my sanction and authority for the part of the Indians have to act with the Americans, they have been already informed and you may repeat to them from me, that every power within my reach shall be employed to serve them, consistent with the peace which the King has thought fit to make. As you informed him in your speech, when last at Niagara, I would repeat to them that I do not consider any part of their country that falls within the American States ceded by the line specified in the Treaty merely to determine the territory of Great Britain, and they at that meeting declared in a very just and very spirited manner their determination not to relinquish their country, as expressed in the enclosed extract, and you at the same time promised for me, and for yourself that the Six Nations shall continue to receive their Great Father's favour and protection. They said on that occasion that we could cross the sea, where we had other lands, but that they must die on theirs rather than give it up. This is the language in which they should

Haldimand advises Treating with Congress.

recognized as fully at this time, as they did in Governor Shirley's, twenty years before (a) that a general peace between Europeans, or Whites, did not affect a condition of War with the Indians, who were neither nationalists or subjects of the respective belligerents, but as Sir William Johnson had pronounced them many years before, still "a foreign people." (b)

(a) See page 59, note (c).

(b) See page 61, note (e).

On the 22nd of April, 1784, Haldimand wrote Sir John Johnson (a) reiterating his desire the Mohawks proposing to settle at Quinte Bay, would join with their Brethren at the Grand River, but stating he would not restrain them if they held to that determination, and if they required more than 7000 acres there, whatever additional grant required for,

"their more comfortable and happy settlement shall be made. I speak of the Mohawk nations for I never will entertain an idea of any distinction between their villages" . . . . . "so desirous am I to prevent the Nation from separating, from a conviction that a determined Union and Attachment can alone support their strength and consequence."

On June 6th, 1784, a meeting of the "Chiefs and warriors of the Six Nations etc, viz., the Mohawks, Oneidas, Onondagas, Cayugas, Senecas, Tuscaroras, Delawares etc," was held at Loyal Village to consider the answer to be made to Governor Clinton's invitation (b) which they decided to accept and were willing to make peace but sent a belt removing the "Council Fire to Fort Stanwix as it will be much more convenient to us, and suppose it cannot make any material difference to you." The Chiefs were sorry

"to inform you at the time we received your message we also received another from our Brethren, the Southern Indians, informing us that they were very uneasy in their minds that the Virginians etc. had crossed the Ohio River, and was surveying their lands, this we are apprehensive will be attended with bad consequences, which has prevented our immediate attendance at the proposed meetings but as we intend to despatch runners with all possible speed, to

(a) Can. Arch. Series B, Vol. 63, Hald. Pap. P. 236.

(b) Can. Arch. Q. 23, P. 343.

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*Continued from page 1285*

have addressed Mr. Schuyler and which I hope will make use of at the General Meeting should they disagree with the Americans. You can sufficiently explain to them the impossibility of my taking a part in the quarrel, as it would inevitably renew the general war, but if they cannot bring the Americans to reasonable terms respecting the remaining in peaceable possession of their country, or giving them an ample compensation for such part of it, as they may wish to possess, I will most readily receive them within our lines and give them the best equivalent I can for the country they leave. And also afford them every aid in my power to form happy settlement. "Joseph is fully acquainted with my intention on that subject, which have been long since communicated to you for the purpose of transacting the business and you will on this occasion, make such communication of them to the Six Nations, through Joseph, as you shall think necessary, at the same time be thinking it as necessary for the welfare and happiness of the Six Nations and Indians in general as consistent with the orders I have received that they should as soon as possible form a treaty of peace with the American States. I would recommend it in the strongest terms to their most serious consideration, and I hope that it will be affected at the intended General Meeting on terms honorable and beneficial to them. Any aid in my power to give, by which they can be restored to the blessings of peace, and a happy re-establishment upon settlement shall be most cheerfully given."

prevent in time, if possible, any accidents that commonly follows upon such occasions, and on their return, we shall immediately dispatch another to you to inform you of the time we will meet you, as we are desirous that this salutary business should be settled, and we expect that a few of the Southern and Western Indians will also wish to attend the meeting, as it will be conformable to our Agreement with them, as our intentions in the settlement of this Peace are to be unanimous, strong and as public as possible."

It appeared though that Congress did not recognize the authority of Governor Clinton in the premises. A subsequent message was addressed to the Six Nations from the Commissioners appointed by Congress, asking them to assemble at Fort Stanwix on the Following 20th, September. (a)

Haldimand intended leaving for England shortly and Brant went on to Quebec and was successful in procuring from the Governor General before his departure a *formal promise* under his seal at arms, of a grant of the lands since enjoyed by the Six Nations, on the Grand River, and known among them, or called the "Haldimand deed" (b).

(a) Can. Arch. B., 119, P. 269. "Sachems and Warriors of the Six Nations listen to our Messenger and believe the words which he brings. War being at an end and peace concluded between the United States and the King of England, it is the wish of the United States to live in friendship with all people. Congress have therefore appointed us Commissioners to represent the United States, and directed us to call the different Nations of Indians together, to their Council Fire as such places as may be most convenient and have given us powers to transact all public business and negotiate a general Peace with the Six Nations, and all the Indian Nations between the Ohio River and the Great Lakes. We have lately heard that you are called to a Treaty by the Governor of the State of New York. We know nothing of his intentions or meaning, he not being authorized by Congress. Yet should you be set out to attend that Treaty it would be hard to give you the fatigue of another journey. And although it was our intention the Great Council Fire of Congress with the Six Nations should have been at Niagara, we will be in order to accommodate you, meet you at Fort Stanwix on the 20th day of September next, where we expect you will certainly attend. We desire you will collect and bring with you all the prisoners in your Stations, both white and black, that have been taken thro' the late war, who must be restored to us as a proof of your sincerity and desire of Peace, protection and friendship from the Congress of the United States."

(b) Can. Arch. Q. 282, P. 33. Frederick Haldimand, Captain General and Governor in Chief of the Province of Quebec and territories depending thereon etc. etc. General and Commander in Chief of His Majesty's Forces in the said Province and the territories thereof etc. etc.

Whereas His Majesty having been pleased to direct that in consideration of the early attachment to His cause manifested by the Mohawk Indians and of the loss of their settlement, which they thereby sustained, that a convenient tract of land under his protection should be chosen as a safe and comfortable retreat for them and others of the Six Nations, who have either lost their settlements within the Territory of the American States, or wish to retire from them to the British; I have at the desire of many of these His Majesty's faithful Allies, purchased a tract of land from the Indians situated between the Lakes Ontario, Huron and Erie, and I do hereby in His Majesty's name authorize and permit the said Mohawk Nation, and such other "of the Six Nation Indians as wish to settle in that quarter to take possession of and settle upon the banks of the river, commonly called Ouse, or Grand River, running into Lake Erie, allotting to them for that purpose six miles deep from each side of the River beginning at Lake Erie, and extending in that proportion to the head of the said River, which them and their posterity are to enjoy forever. Given under my hand and seal at arms at the Castle of St. Louis at Quebec, the 25th day of October, 1784, and in the 25th year etc.

By H. E. Command

Sgd. R. Matthews

Sgd. Fredk. Haldimand

In Sheldon and Ramsay (9 U.C.R.) at P. 122, Chief Justice Robinson remarked of this Instrument;—

"It could amount to nothing more than what it was well understood and intended to be, a declaration by the Government that it would abstain from granting those lands to others, and would reserve them to be occupied by the Indians of the Six Nations."



This instrument will be further referred to, but it may be pointed out here that throughout, its language attributes to "His Majesty's faithful Allies," full national capacity and authorizes their Nation "to take possession of and settle" the tract of land described in the Instrument, which covered some Twelve hundred square miles of territory.

"It was while the Mohawk Chief was occupied in making his final arrangements with the Canadian Commander in Chief, that the Sachems and warriors of the Six Nations were holding a Treaty with the United States at Fort Stanwix. At this negotiation the Mohawks, Onondagas, Senecas, Oneidas, Cayugas, Tuscaroras, and Seneca-Abeal (Alleghenny Senecas) nations were represented. The records of this Treaty, containing the speeches interchanged on the occasion, seem not to have been preserved, as has been usual in diplomatic matters with the Indians. It is known however, that among the leading chiefs who took an active part in the negotiations were the Cornplanter and Red Jacket, and enough is to be gathered from the records of subsequent transactions with the Indians, to afford a general idea of the course of these Proceedings. Beyond doubt, the representatives of the Six Nations at that Council were opposed to a separate negotiation with the United States. Their desire was, that no definitive treaty of peace and boundaries should be concluded, unless the whole ground was covered at once, and as a consequence they strenuously urged that the Huron, Ottawas, Shawanese, Chippewas, Delawares, Pottawatamies, the Wabash Confederates, and the Cherokees, should be represented, in order that the whole question of boundaries, on all the Indian borders, might be determined. But the Commissioners on the part of the United States would listen to no such delay. *The Six Nations as such, had taken up the hatchet in favour of the Crown, and it was determined to punish them by a dismemberment of their territory.* Red Jacket, a somewhat younger Chief than the Cornplanter, was opposed to a burial of the hatchet, and spoke with great eloquence and vehemence in favour of a continuance of the War by the Indians on their own account. The Cornplanter was a wiser man than his junior associates. He saw the folly of a war to be waged by the Indians single handed against the United States, and he exerted himself with all his power in favour of peace. He saw that the only alternative of his people was the relinquishment of a portion of their territory by compromise, or the loss of the whole by force. His efforts were in the end successful and on the 22nd of October a treaty was signed, by which the United States gave peace to the Six Nations (a). The result of this

(a) American State Papers—Indian Affairs—Vol. 4, P. 10. "Articles of a treaty concluded at Fort Stanwix, on the 22nd day of October, one thousand seven hundred and eighty four, between Oliver Wolcott, Richard Butler, and Arthur Lee, commissioners plenipotentiary from the United States in Congress assembled, on the one part, and the Sachems and warriors of the Six Nations on the other.

The United States of America gave peace to the Senecas, Mohawks, Onondagas, and Cayugas, and receive them into "their protection, upon the following conditions;

Art. 1 Six hostages shall be immediately delivered to the commissioners by the said Nations, to remain in the possession of the United States will all the prisoners, white and black, which were taken by the said Senecas, Mohawks, Onondagas, and Cayugas, or by any of them, in the late war, from among the people of the United States, shall be delivered up.

Art. 2 The Oneida and Tuscarora Nations shall be secured in the possession of the lands on which they are settled.

Art. 3 A line shall be drawn, beginning at the mouth of a Creek about four miles east of Niagara, called Oyonwayea, or Johnson's Landing Place, upon the



negotiation gave great dissatisfaction to the Indians generally, and the crafty Red Jacket afterwards availed himself of the advantages of his position, in stealing the heart of the Senecas from the Cornplanter to himself. Brant was highly displeased with the conditions of the Treaty and also at the detention of Captain Aaron Hill, a subordinate Chief of the Mohawks being detained as one of the hostages. He was at Quebec preparing to embark for England after completing his business with Sir Frederick Haldimand, there expecting to complete the business of the adjustment of the claims of the Six Nations for their sacrifices during the war, but on the receipt of the news, abandoned his design of going abroad, and hastened back to his own country, to look after the welfare of his people at home, arriving at Cataragui on the 27th of November where he intended to winter and proceed to Grand River in the spring. (a) The terms of this Treaty however, were never fully accepted by the Six Nations

(a) Condensed from Stone's Life etc. Col. 2, Pp. 239 to 247.

or their dependents and it was not till after many concessions on the part of the United States and a war against the Western Indians, tranquility at last came about (a).

Haldimand was preparing for his departure for England (b) and left directions as to the political conduct to be observed towards the Indians in the effort to reconcile them to peace and good

(a) Congress seems to have possessed a sincere desire to alleviate the complaints of the Six Nations and their Allies in the West, but the position was difficult owing to the stream of emigration to the West, impossible to control. The British found difficulty in restraining their allies from going to the assistance of the Western Indians. Congress appropriated large sums for negotiations with the Indians with whom further treaties were made at Forts McIntosh and Harmar, in 1785 and 1786. Except as explaining the part taken by the Six Nations as a people in accommodating the differences between the United States and these Western Indians, and their political status in such negotiations so threatening at one time to peaceful relations between Great Britain and the United States, this page of their history need be only glanced at. Full records of the whole matter may be found in American State Pap. Indian Affairs, Vol. 4, and in documents in Canadian Archives 1785-1795.

(b) Can. Arch. B. 64, Vol. 3, Hald. Pap. P. 364.

*Continued from page 1288*

Lake named by the Indians Oswego, and by us Ontario; and from thence Southerly in a direction always four miles east of the carrying path, between Lakes Erie and Ontario to the mouth of Tehoseronon, or Buffalo Creek, on Lake Erie; thence South to the North boundary of the State of Pennsylvania, thence West, to the end of the said North Boundary; thence South along the West boundary of the said State, to the River Ohio; the said line from the mouth of the Oyonwayea to the Ohio shall be the Western boundary of the lands of the Six Nations; so that the Six Nations shall and do yield to the United States, all claims to the country west of the said boundary; and there they shall be secured in the peaceful possession of the lands they inhabit, east and north of the same, reserving only six miles square around the fort of Oswego, to the United States, for the support of the Same.

Art. 4. The Commissioners of the United States in consideration of the present circumstances of the Six Nations, and in execution of the humane and liberal views of the United States, upon the signing of the above articles, will order goods to be delivered to the Six Nations, for their use and "comfort".

Sgd. Oliver Wolcott  
Sgd. Richard Butler  
Sgd. Arthur Lee

Signed by the Sachems and warriors of the Mohawks, Onondaga, Senecas, Oneida, Cayuga, Tuscarora and Seneca-Abael tribes of Indians.

harmony with the Americans and thought the Grand River settlement might form a retreat for all the Northern Confederacy (c)

(c) Can. Arch. B. 221, P. 15. "Quebec, 14th November, 1784 . . . In regard to the political conduct to be observed with the Indians, I have agreeably to the instructions of the King's Ministers used every means in my power to reconcile them to peace and good harmony with the Americans, which the ceding of a great part of their land by the treaty has rendered a very difficult matter to succeed in. However, finding after many vain efforts that we could not be persuaded to support them in hostile attempts for the recovery of their country and that a continuance of the King's protection testified by ample presents, and a promise of an asylum within our territories would be the result of their compliance with our desire, they at length consented to hold a General Meeting of Deputies from all the Nations, with Commissioners from the American States, the purpose of negotiating a Peace, and they have been some time assembled on that business at Fort Stanwix, and from whence I every day expect their determinations. The Mohawk Nations who took an early, decided part in favour of Government and who at that time were obliged to abandon their country, availed themselves of the protection held out to them by the King, and a part of them have found a settlement at the Bay of Quinte beyond Cataragui. Joseph Brant and others of the Mohawk and Six Nations have begun another settlement in like manner upon the Grand River between Lakes Erie, Huron and Ontario, which if prosecuted must from the many advantages it possesses in a few years become very considerable, and will, should it be necessary from a retreat for all the Northern "Confederacy."

The Governor General also addressed a message to Captain John Deseronto and his Friends of the Mohawk Nation at Cataragui, reiterating his oft expressed desire, they would settle at the Grand River, with the others of the Six Nations (a); and indeed in so doing expressed the settled policy of the British Government to build up a strong Loyalist settlement near Niagara, as will appear more fully at a later period. Shortly after this, Brant received a letter from James Monroe stating Captain Aaron Hill and the other hostages agreed on at Fort Stanwix, would be set at liberty any time they could arrange to go home, and incidentally

(a) Pub. Arch. Series B. 64, Vol. 3, Hald. Pap. P. 364.

"Brothers, when I first received the news of the peace and found the terms were such as to prevent our faithful Allies the Mohawk Nation from returning to the possession of their ancient settlement, my first thought was to provide some place for them, where they might live in safety with their wives and children, and being at the same time under a necessity of taking post at Cataragui to secure within our line the King's stores and provisions as a retreat for the Loyalists who were also obliged to abandon their homes, I thought a tract of land in that neighborhood would be a convenient situation for the Mohawks, and, as there was no time to lose in looking about, I gave every encouragement in my power towards settling them there; but finding since, that by much the greatest part of that nation, as well as many Senecas, Cayugas and others of the Six Nations are desirous of settling upon the Grand River running into Lake Erie across the head of Lake Ontario; preferring it to Cataragui on account of the climate, soil, clear land, vicinity in forming a chain with their Western Brethren, and in short every advantage of situation, I made a large purchase of land at that place, in order to secure a safe and comfortable Retreat for the Mohawks and our friends of the Six Nations who might wish to avail themselves of it and I have the satisfaction to find that the King has approved my intention and has authorized me to give such assistance as circumstances will permit in forming that settlement for his Faithful Allies the Six Nations. I therefore strongly recommend to Captain John and the few families of the Mohawks with him, to lose no time in joining the majority of the Nation, and uniting with them in the strongest bonds of friendship by which their strength as a people, and interest will be equally supported, and I will have it in my power more effectually to serve the whole, than by dividing His Majesty's benefits in different places." . . . "A church, a saw and grist mill will be built next summer for them at the Grand River, and a School Master will be allowed for the education of their children. Aids will also be given in building houses for them, and every encouragement which the situation of the Country can afford will certainly be extended to them."

holding out to him the advantages offered the Six Nations by a close alliance with the United States. It furnishes a commentary on the policy of both Great Britain and America in cultivating for political reasons at this time the friendship and alliance of the still formidable

confederacy (a), no less than their acknowledgement that whatever the fortune of war, and the Treaty of Paris,

(a) Can. Arch. Q. 24, P. 227. Feb. 5th, 1785. Supposedly this letter is from the afterwards President of the United States. "I have lately received your favour from Cataraqui and am happy I have it in my power to correct the information you have received respecting the detention of Captain Aaron Hill and others, Chiefs of the Six Nations, under the late Treaty at Fort Stanwix. The Commrs. in concluding that Treaty, agreeably to a stipulation of it, with consent of the Six Nations kept these Chiefs as hostages until there should be a compliance with the engagement on the part of the Indians, in the restitution of their prisoners. This is a custom warranted by all previous Treaties, where stipulations of the same kind are entered into. Their situation is quite different from that of Prisoners, nor are they considered in such a light. It is a practice known and in use amongst the politest European Nations and therefore cannot be held dishonourable to the Indians. As for my own part, I consider it in this instance as an unnecessary precaution, for I have such confidence in the Indian Chiefs and Warriors, that if they gave me their honour they would perform any condition, I would require no other obligation from them. It is in old countries hacknied in the vices and debaucheries of Courts, where solemn engagements are treated with contempt, and the faith of Treaties held of no avail. Between the Indians and the United States I would require no other obligation than their mutual honour but the Commrs. of Congress thought it their duty to pursue the Old Custom. I have no doubt, if it is the desire of the Chiefs, they will be set at liberty, provided they can get home, or if they cannot, they will be invited here, where they will be treated with the utmost kindness and friendship. I am exceedingly glad you did not go to Great Britain. It is the earnest disposition of the States to Cultivate the friendship of the Indians, and of course the less they are connected with other powers, the more agreeable it will be to them. Look to the powers of Europe, mark their objects and progress on this Continent, then look to the United States; with whom does the powerful impulse of Nature, or the God of Nature, bid you ally yourselves? Did we request you in the late war to be otherwise than Neutral (but you might have joined us) and do we request more now than that you be our friends? Does the spirit of revenge govern us in our conduct towards you? It does not, we wish to take you by the hands and forever hereafter to esteem you brothers. Your apprehensions of danger in coming here, are, believe me, groundless. You shall certainly be treated with kindness and the utmost attention and be permitted to go where you please. I should be glad to see you here and many other members of Congress as well as our friend Governor Clinton, would also be happy to see you. Believe me I speak with sincerity, that the disposition of the Congress is very friendly to the Indians, and that nothing would be more painful to them, than that any circumstance should take place which might give them uneasiness."

this still maintained its national status and integrity. Indeed at the very time Monroe was writing Brant, the Governor General having arrived in England, was emphasizing to Lord Sydney, the necessity for encouraging the Grand River settlement;—

"in proportion as it shall be thought necessary to preserve the Friendship of the Indians, in other words, the possession of the Upper Country, and the Fur Trade (a)"

two objects of cardinal importance at the time.

(a) Can. Arch. Q. 25, P. 295. "Memorandums respecting Public Matters in the Province of Quebec submitted to the consideration of the Right Honorable Lord Sydney, by General Haldimand, 16th March, 1785. 1st means the most probable to retain the Six Nations and Western Indians in the King's interest. The Indians of the Six Nations, the Oneidas excepted, having taken an early and a very sanguine part with Government, have, by the Fate of War and Treaty of Peace, forfeited their Country, and many of them have been entirely driven out of it, with the loss of valuable Settlements and Stock. Seeing their policy, as well as Necessity, of providing a Retreat for them, I made a purchase of a tract of land for that Purpose, from the Chippewa and Mississague Nations on the north side of Lake Ontario (Erie?) where numbers are now settling, having assisted them with provisions and implements for building and establishing themselves all which, I had the Honour, duly to report to your Lordship. At my departure from Quebec I left directions to send the Engineer from Niagara to mark out their towns, etc. and to assist them in building a Church and School house, for which they expressed great anxiety. This settlement should meet with every Indulgence and encouragement from Government, but in proportion as it shall be thought necessary to preserve the Friendship of the Indians, in other words, the possession of the Upper Country, and the Fur Trade;— and these measures should be taken without delay that the Indians may be comfortably established, and experience the sweets of the King's



On June 21st, 1785, General Haldimand took occasion to lay before Lord Sydney (a) full Statements of the amount of losses of the Mohawks and others of the Six Nations, in consequence of the late rebellion, stating;—

"I hope, my Lord, that if these claims have not appeared in Time and Form as required of the loyalists by the Act of Parliament, the Impossibility of conforming therewith, and *our peculiar situation with our Indian Allies, who have deserved so well of Government, may be considered so as to procure for them a Payment in part, as early as shall be made to the loyalists, which will prevent discontents, now artfully promoting amongst them by the French, the Americans and I fear I may add, by many who style themselves faithful subjects of the King.*"

Influence  
over  
Western  
Indians.

The Six Nations held a great Council at Niagara on August 2nd, 1785, to receive a very important message from the Western Indians, delivered by Cherokee and Shawanese Deputies. These stated;—(b)

"Eldest Brethren—Attend to what we now say. We are Messengers to you from the Shawanese and your Western Brothers. We see how your affairs are situated, and are sorry to see you confused. We therefore desire you to consider yourselves seriously and immediately to collect your people together who are now scattered and that you prevent them from creeping or going near to those people with whom we have been at War but a few days ago. As it will certainly prove of bad consequence. Eldest Brethren—you must remember that you are the door of the Western Indians to which they look and who beg of you to act wisely for the interest and happiness of the Whole alliance, who now speak to you with one voice.

They then stated a large body was coming from the Chiefs and warriors of the different Nations to meet at Niagara, they had sent messages agreed on at Sandusky two years ago, and as the Six Nations and the English had advised, had laid down the hatchet till they knew the intentions of the Americans encroaching on their country. However, the latter had killed two of their people and "our warriors were dissatisfied and soon after without the knowledge of the Chiefs, went out and returned the stroke we had received by killing some of them."

- (a) Can. Arch. Q. 24, P. 297.  
(b) Can. Arch. Q. 25, P. 136.

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Protection before the Posts shall be evacuated by us; otherwise, even should we take Post on the north side of the River, they will assuredly abandon us, and return to their former settlements, which the Americans already hold out to them in order to detach them from us . . . ."

The conduct of the Western Indians (tho' infinitely a more numerous people) will always be governed by that of the Six Nations. So nice a management of them may not, therefore be necessary—some presents and marked of Friendship are nevertheless due to them for their past services, and should from time to time be dispersed amongst them."

When it is recollected that it subsequently took the United States two military campaigns, the loss of many lives, and the expenditure of much treasure, to bring these same Western Indians to obedience; it is clear General Haldimand did not overestimate the influence of the Six Nations, or what its lack might mean to either Great Britain or the United States.



They wanted the Six Nations and the English to redeem their promises and join them in defending their country. Captain Brant as Speaker of the Six Nations, earnestly requested;—

“that you the Sachems will be no means suffer any more parties of your warriors to go towards the Americans until this important business has been fully and seriously considered at the General Meeting which is soon to take place.”

The next day Sayengaraghta, for the Six Nations addressed Mr. Dease, Deputy Superintendent, stating how dissatisfied the Six Nations were with the conduct of the Deputies who attended the meeting at Fort Stanwix with the American Commissioners last year, particularly with the Senecas, who had been quite unauthorized to cede the lands agreed to be relinquished by the Indians, and they refused to be bound by what was there done—Dease told them;—

“I am extremely sorry that any misunderstanding should at present threaten to destroy that Peace which I was in hopes would be settled on an equitable and permanent footing... whatever the cause of your present differences may be, I... earnestly advise you not to be precipitate or inadvisably plunged into a War, the termination and consequence of which are uncertain. State openly, fairly and candidly to Congress your causes of complaints before you proceed further, they are wise and sensible men and may be well disposed to remove them, the first step to which, should be their being acquainted with the nature of your demands....”

In acknowledging on the 16th September following the approval of Lieutenant Governor Hamilton, of this reply, (a) Dease said that in consequence the Indians had sent a message to Congress requesting a conference on the subject of their different complaints, and incidentally remarked on the flourishing state of the Grand River settlement.

Shortly after the Council, a message was received from the Shawanese, Mingoes and Delawares, addressed to Col. McKee;—

“You and the Six Nations put something into our hands and told us to hold it fast, and when we forgot, to look at it, and it would put us in first remembrance of what we had received it for. You know some time ago we were invited to a Council, we were desired not to go, we listened and did not go...., The Americans have invited us to another Council but we are determined not to go, let the consequence be what it will....

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(a) Can. Arch. Q. 25, P. 183.

“Our situation is bad at present, we expect they will soon be in our towns, and that before we can even receive your answer. But you must be strong who have the care of all upon you. We mean to defend ourselves to the last man, before we give up our lands, and we will spare none if they begin with us.”

Anticipating the order of events, a council of the United Indian Nations was held at the Huron Villages near the mouth of the Detroit River, December 18th, 1786 (a) when an address to Congress was adopted setting out their grievances and desire for relief. *Undoubtedly the issue of Peace or an Indian war, hung in 1785, on the decision of the Six Nations. "Eldest Brethren," and the incident may serve as well as any to show the justice of Haldimand's representations to Lord Sydney, of their outstanding influence over the other Indian Nations of Northern America, and the wisdom of the far-seeing political policy be advocated, of sparing no effort to establish them in complete rehabilitation on their new territory on Grand River, midway between their ancient seats, and the country of the Western dependents, equally and quickly accessible to both.*

(a) Am. State Papers—Gale & Seaton—Indian Affairs, Vol. 4, P. 8.

"Present—The Six Nations, The Hurons, Delawares, Shawanese, Ottawas, Chippewas, Pottawatamies, Twightwees, Cherokees, and the Wabash Confederates.

To the Congress of the United States of America;—Brethern of the United States of America:—It is now more than three years since Peace was made between the King of Great Britain and you, but we, the Indians, were disappointed, finding ourselves not included in that Peace, according to our expectations; for we, thought that its conclusion would have promoted a friendship between the United States and Indians, and that we might enjoy that happiness that formerly subsisted between us and our elder brethern. We have received a message from the King, whose war we were engaged in, desiring us to remain quiet, which we accordingly complied with. During the time of this tranquillity we were deliberating the best method we could to form a lasting reconciliation with the thirteen United States. Pleased at the same time we thought we were entering upon a reconciliation and friendship with a set of people born on the same continent with ourselves, certain that the quarrel between us was not of our making. In the course of our Councils, we imagined we hit upon an expedient that would promote a lasting peace between us. Brothers—We still are of the same opinion as to the means which may tend to reconcile us to each other; and we are sorry to find, although we had the best thoughts in our minds, during the before mentioned period, mischief has nevertheless happened between you and us. We are still anxious of putting our plan of accommodation into execution, and we shall briefly inform you of the means that seem most probable to us of effecting a firm and lasting peace and reconciliation; the first step towards which, should in our opinion be, that all Treaties carried on with the United States, on our parts, should be with the general voice of the whole Confederacy, and carried on in the most open manner, without any restraint on either side; and especially as landed matters are often the subject of our Councils with you, a matter of the greatest importance and of general concern to us, in this case we hold it indispensably necessary that any cession of our lands should be made in the most public manner, and by the united voice of the confederacy, holding all partial treaties as void and of no effect."

The Six Nations

Huron, Ottawas, Twightwees, Shawanese

Chippewas, Cherokees, Delawares

Pottawatamies, The Wabash Confederates.

Brant  
in England.

Joseph Brant went to England the latter part in 1785, in the endeavour to procure redress for the Six Nations and their Confederates, and under date of January 4th, 1786 addressed a communication to Lord Sydney (a) on the position of his people and the relief they sought. With this letter was enclosed a copy of his speech to Sir Frederick Haldimand to Quebec, of 21st May 1783. He wanted to know whether the Six Nations were still to be considered "as His Majesty's faithful Allies, and have that support and countenance such old and true friends expect." His inquiry hinted at War with the United States.

(a) Can. Arch. Q. 26, P. 1. "The cause of my coming to England being of the most serious consequence to the whole Indian Confederacy, I entreat your Lordship patiently to hear and listen to what I am going to say. We hope it is a truth well known in this country, what a faithful part we took in their behalf, in the late dispute with the Americans, and though we have been told Peace has long since

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The Government replied to Brant's representations, through Lord Sydney, in a communication addressed to Brant under date April 6th, 1786, (a) pointed out that the losses of the Six Nations had been made good, but was silent on the question of what assistance they might expect, if involved in a further dispute with the Americans, and proceeded:—

Reply of  
the  
British  
Government  
to Brant.

"His Majesty recommends to His Indian Allies to continue united in their Councils, and that their measures may be conducted with temper and moderation from which added to a peaceable demeanor on their parts, they must experience many essential Benefits and be most likely to secure to themselves the possession of those rights and privileges which their ancestors have heretofore enjoyed."

(a) Can. Arch. Q. 26, P. 80.

Whitehall, 6th April, 1786.

"Colonel Joseph Brant,

Sir:—The King has had under His Royal Consideration, the two letters which you delivered to me on the 4th January last, in the presence of Col. Johnson, and other Officers of the Indian Department, the first of them representing claims of the Mohawks for losses sustained by them and other tribes of Indians from the Depredations committed on their lands by the Americans during the late war; and the second expressing the desire of the Indian Confederacy to be informed that assistance they might expect from this country in case they should be engaged in disputes with the Americans relative to their lands situated within the Territory to which His Majesty has relinquished his Sovereignty. Were the right of individuals to Compensation for Losses sustained by the Depredations of an enemy to be admitted, no country however opulent it might be could support itself under such a Burden, especially when the contest happens to have taken an unfavorable turn; His Majesty upon this ground conceives that consistent with every principle of Justice, He might withhold His Royal Concurrence to the Liquidation of those Demands. But His Majesty in consideration of the zealous and hearty exertions of His Indian Allies, in the support of his cause, and as a proof of His most friendly Disposition towards them, has graciously pleased to consent that the losses already certified by His Superintendent General shall be made good; that a favorable attention shall also be shown to the Claims of others who have pursued the same System of Conduct, and that Sir Guy Carleton, His Governor General of His American Dominions shall take measures for carrying His Royal Commands into execution immediately after his arrival at Quebec. This liberal conduct on the part of His Majesty, He trusts will not leave a doubt upon the minds of His Indian Allies that He shall at all times be ready to attend to their future Welfare and that He shall be anxious upon every occasion wherein their Interests and Happiness may be concerned, to give them such further testimonies of His Royal favour and countenance, as can, consistently with a due regard to the National Faith, and the honor and dignity of His Crown, be afforded to them. His Majesty recommends to His Indian Allies to continue united in their Councils, and that their Measures may be conducted with temper and moderation from which added to a peaceable demeanor on their part, they must experience many essential Benefits and be most likely to secure to themselves the Possession of those Rights and Privileges which their Ancestors have heretofore enjoyed."

I am etc.

The importance of this correspondence between Colonel Brant and Lord Sydney, cannot be over-estimated in considering the question of the rights of the Six Nations with which it dealt. Brant told Lord Sydney on January 4th, he came to him on behalf of the Five United Nations of Indians, and his diplomatic and representative capacity must be considered as fully acknowledged by the British Government, when he received the answer to his representations. The political Department of the Government having acknowledged this, it cannot be questioned by the Courts (a). It was a Treaty as much as any that ever bound Great Britain.

Importance  
of Communi-  
cations  
between  
Brant  
and  
Sydney.

"No special form is necessary for a treaty, which in theory may be made without writing. It need not even appear on the face of it to be a contract between the parties, but

(a) Foster & Neilson, Pet. 314, City of Bern V Bank of England 9 Ves. 347: Hoyt V Gelston, 3 Wheat 321.



## JOINT COMMITTEE

may take the form of a joint declaration or of an exchange of notes" (b).

Treaty.

The scared promise of the Crown after the most careful consideration was, that by accepting the terms there offered the King's Indian Allies, would;—

"secure to themselves the possession of those rights and privileges which their Ancestors have heretofore enjoyed."

History since has shown how faithfully the Six Nations have adhered to the pact there renewed, and the Six Nations only ask the Crown to now keep its engagements (c).

(b) "Treaties"—Ency. Britt. 11th ed. P. 230.

(c) *Stone's Life of Brant*: Vol. 2, P. 249, speaks of Thayendanagea's progress in England;— "His arrival at Salisbury was thus noted in a letter from that place, dated December 12th, 1785, and published in London, "Monday last, Colonel Joseph Brant, the celebrated King of the Mohawks, arrived in this city from America, and after dining with Colonel De Peister at the headquarters here, proceeded immediately on his journey to London. This extraordinary personage is said to have presided at the late Grand Congress of Confederate Chiefs of the Indian Nations in America, and to be by them appointed to the conduct and chief command in the war which they now meditate against the United States of America. He took his departure for England immediately as that Assembly broke up; and it is conjectured that his embassy to the British Court is of great importance. This country owes much to the services of Colonel Brant during the late war in America. He was educated at Philadelphia is a very shrewd, intelligent person, possesses great courage and abilities as a Warrior, and is inviolably attached to the British Nation."

*Continued from page 1294*

been concluded between you and them, it is not finally settled with us, which causes great uneasiness through all the Indian Nations. When we heard Peace was made between His Majesty and the Americans, we made application to General Haldimand at Quebec to know our situation, delivering him a speech at the same time which we requested might be sent to the King a copy of which I now deliver to your Lordship, having in that speech, in as few words as possible, pointed out what friendship we had shown to the English from the earliest time of their arrival in America, and being conscious of the active part our forefathers, and we had taken in their favour in every dispute they have had with their enemies, we were struck with astonishment at hearing we were forgot in the Treaty. Notwithstanding the manner we were told this, we could not believe it possible such firm friends and Allies could be so neglected by a Nation remarkable for its Honour and Glory, whom we had served with such Zeal and Fidelity—for this reason we applied to the King's Commander in Chief in Canada, in a friendly and Private way, wishing not to let those people in Rebellion know the Concern and trouble we were under;—from the time of delivering that Speech near Three Rivers we have had no Answer, and Remain in a State of Great Suspense and uneasiness of mind, this is well known to the Officers who commanded at the Upper Posts in America, many of whom are now in England, as is also our Zeal for His Majesty's Service during the war. Our trouble and distress is Greatly increased by many things the Americans have said to whom we have avoided giving any direct answer, or entering into any engagement with, before we have an Answer. On the arrival of Sir John Johnson, our Superintendent General in Canada, we hoped to have received it, in full expectation of which several of our first and Principal Chiefs came down the country to meet him and hear it, and were very much mortified and sorry at being disappointed. It was then resolved that I should come to England, and I hope the Necessity we are under of getting this answer will plead my excuse for the trouble I give your Lordship. It is, my Lord, the earnest desire of the Five United Nations and the whole Indian Confederacy, that I may have an Answer to that Speech, and as from our Present Situation, as well as that of the American States, who have surveyed and laid out great Part of the lands in our Country, on our side of the Boundary line fixed at Fort Stanwix in 1768, the last time we granted any territory to the King, (at which time some of the Governors attended in Person, and where they did not, Commissioners vested with full Powers appeared on their behalf, so that we had all the Reason to hope that the transaction was binding with respect to all parties). But through their encroaching disposition we have found they pay little regard to engagements and are therefore, apprehensive of Immediate Serious Consequences, this we shall avoid to the utmost of our Power, as dearly as we love our lands, but should it contrary to our wishes happen, we desire to know whether we are to be considered as His Majesty's faithful Allies, and have that support and Countenance such old and true friends expect. I beg liberty to tell your Lordship that your answer to these matters will be the means of relieving all our Nations from that very troublesome and uneasy suspense they now labour under, and this they all hope for on my Return."

Jos. Brant, Capt.  
Thayendanagea.



Brant had written in a personal way to Nepean (a) on the 5th April, stating his own motives in aiding the King's cause during the war;—

"When I joined the English at the beginning of the war it was purely on account of my forefathers engagements with the King. I always looked upon these engagements or covenants between the King and the Indian Nations as a sacred thing. Therefore I was not to be frightened by the threats of the Rebels at the time, I assure you I had no other view in it, and this was my real cause from the beginning."

The Alliance a "Sacred Thing".

Brant has gone to his reward but Canada lives, and surely the obligation the old Warrior felt so weighty under the troubled circumstances of his time is not to be disregarded today as of no effect in this British Country, which he and his descendants on so many occasions have risked, and sacrificed, their lives to save.

The British Government under the same date (April 6th 1768) took occasion to advise Lieutenant Governor Hope of its general policy in connection with Indian Affairs, and while laying down certain broad principles, left it largely to the Governor, how these should be administered (b).

General Policy of Great Britain at this time regarding Indian Affairs.

(a) Permanent Under Secy. of State for Home Department. See Can. Arch. Q. 26, P. 71.

(b) Can. Arch. Q. 26, P. 73, Sydney to Hope;— "The affairs of the Indians have lately been a subject of much consideration... Notwithstanding the Reports which have been circulated by the American Deputies sent into the Upper Country, His Majesty's Ministers are of Opinion that they will hardly attempt by force to remove the Indians whilst they continue united, from the possession of the lands which they at present inhabit within the Territory to which His Majesty, by the late Treaty of Peace has relinquished the Sovereignty, much less to Commence hostilities for the possession of Detroit, whilst there can remain even a probability that the Indians will not lend their assistance in endeavouring to effect it. His Majesty's Ministers observe, that the meeting between the Deputies from the several Tribes, and the Deputies from Congress will take place sometime this spring, though probably not till after the arrival of Joseph Brant, and much will depend upon the Turn which matters will then take. His Majesty's Ministers rather imagine that no Disputes will arise at this meeting but that the Americans will leave them in the possession of the Hunting Grounds until a more favourable opportunity shall hereafter offer for effecting the purposes which it is supposed that Congress have ultimately in view, and if that should be the Case no difficulties will immediately occur; but if contrary to their expectations the Indians should not accede to any Proposals that may be made to them by the American Deputies, or cannot be prevailed upon peaceably to accept of the asylum already directed to be offered them, within the Province of Quebec, Our Situation will in some degrees become embarrassing. To afford them open and avowed assistance, should Hostilities commence, must at all events in the present state of this Country be avoided: But His Majesty's Ministers at the same time do not think it either consistent with justice or good Policy entirely to abandon them, and leave them to the mercy of the Americans, as from motives of resentment it is not unlikely that they might hereafter be led to interrupt the Peace and Prosperity of the Province of Quebec. It is utterly impracticable for His Majesty's Ministers to prescribe any direct line for your conduct should matters be driven to the extremity, and much will depend on your judgment and discretion in the management of a business so delicate and interesting, in which you must be governed by a variety of circumstances, which cannot at this moment be foreseen."

Brant left for home in a few days, writing from the Downs on April 11th, to Nepean (a);—

"I had the honour to receive by Mr. Davison, a letter from Lord Sydney for which I beg you will make my Acknowledgements to his Lordship. This letter gave me great satisfaction, as it will enable me to return to my own country with written assurances to the Five Nations and the other Confederated Nations, of the friendship of Great Britain toward them."

(a) Can. Arch. Q. 26, P. 87.

Brant  
returns to  
Canada.

Brant safely arrived at Quebec and after seeing the Lieutenant Governor, immediately left to join his people at Niagara. Hope thought he displayed a very independent spirit, and so wrote Lord Sidney, though he took comfort in his belief Brant did not consider it in the interest of the Indians to make any engagement with the Americans (b). He wanted Sir John Johnson to go to Niagara with Brant and immediately hold a General Council with the Six Nations, but Sir John would not go till July or August, when he

(b) Can. Arch. Q. 26, P. 312. There is no doubt at this time that Brant was exerting himself to compass a grand confederation of all the North Western tribes and nations, of which he was to be the head. See letter of H. Knox, Secy of War to Governor of New York, 11th May 1791. Am. State Papers, "Indian Affairs," Vol. 4, P. 165...

Council  
at Huron  
Village  
Indian  
Ulti-  
matum.

hoped to have full instructions. Hope again wrote Lord Sidney on August 8th, expressing his anxiety at the critical situation of Indian Affairs (a) which he believed would be more clearly seen from the result of the Council then being held (if not already concluded) at Niagara, but had to communicate again on October 21st (b) he had not yet heard the result of the General Meeting of the Indian Nations, agreed to be held in September in the Shawanese country. This General Meeting did not conclude till December 18th, 1786, as is previously mentioned (c). The address there quoted, really the ultimatum antecedent to the general war that afterwards arose, it may be noted was not signed by individual chiefs, but by the nation, the name of the nation being written. Brant was present and active at the Council, and Stone (d) credits him with being the author of the address to Congress, which was delayed by the Shawanese entrusted with its delivery and not received by the War Department at Washington, till July 17th following (e).

(a) Can. Arch. Q. 26, P. 523.

(b) Can. Arch. Q. 26, P. 552.

(c) Ante, P. 165, note A.

(d) Vol. 2, P. 267.

(e) Stone, Vol. 2, P. 266. General Knox to Capt. Brant, War Office, July 23rd 1787, Sir:— On the 17th instant, and not before, I received the favour of your letter, dated "Huron Town, December 18th, 1786," enclosing the original speech by the several nations of Indians met at the same time and place, to the United States in Congress assembled. . . . On the receipt of your papers, they were submitted to Congress, who have taken the same into consideration and will soon come to some decision thereon, which will be communicated to the Superintendent, in order to be transmitted to you."

Dorches-  
ter's  
Instruc-  
tions to  
Sir J.  
Johnson.

Lord Dorchester now arrived in Canada, had written Sir John Johnson on 27th November previously (a) if possible, to prevent

(a) Can. Arch. Q. 27, P. 82. "Should Deputies be sent from the Indians of the Upper Country, I wish you to prevent their coming down to Quebec as unnecessary; but I would not have them prevented so as to offend, nor leave on their minds any discontent. If they require assistance in their wars, you will take proper means to make them clearly understand, that this country is a small part of the King's Dominions: that with us in Canada, no power is lodged to begin a war, nor ought we to have such a Power which might involve half the Globe, with all the Seas in blood and destruction;— that at present the King is at peace with the whole world and desires so to remain — besides according to our manners, that peace cannot be broken, without injury and wrong received, and redress refused; but tho' we have no power to begin a war, the Indians have our friendship and good wishes, and if we could be useful in procuring them a solid peace with the thirteen States, our best endeavours should be employed for that good purpose. . . . You will be pleased to have those discourses accompanied with every expression of Kindness their language and manners will permit, while at the same time whatever might induce over sanguine dispositions to suppose promises never intended, be carefully avoided, last by want of wariness, we incur the Censure of a want of Sincerity in our dealings with them."

Indian Deputies coming to Quebec, seeking assistance in War against the United States, which could not be given. In a letter marked "Secret", from Quebec, on the 14th December, Dorchester particularly wanted Sir John Johnson (b) to ascertain the sentiment of the Six Nations as to the retention of the Upper Posts, particularly Niagara, and Oswego;—

"If the Indians are indifferent, I see no reason why we should be anxious: I see no wise motives for keeping them, but on their account."

(b) Can. Arch. Q. 27, P. 86. "I understand Colonel Butler talks of coming down to the lower parts of Canada next Spring. The King's service I apprehend will not permit his being absent from the Six Nations. 'tis said they are discontented with us. I should be glad to learn for what, . . . let Butler by all means find it out, and whether it is not worked up by the intrigues of those who meditate mischief. He must likewise discover how the Six Nations consider the Upper Posts, particularly Niagara and the fort near Oswego; are they sanguine that we should keep them in our Lands, or is it a matter of indifference to them? If the Indians are indifferent, I see no reason why we should be anxious: I see no wise motives for keeping them, but on their account. 'Tis necessary that we should thoroughly know their sentiments; what would they propose doing, should we deliver them up, or evacuate them? How would they act, should the United States by treachery, or by open force attempt to wrest them from us? An attempt to wrest them from us, I should consider as the beginning of hostilities, and however indifferent we may be about them, yet War must be repelled by War. All things considered I am inclined to think some of our neighbors nourish ideas of the sort, and shall not be surprised if they detain those of the Six Nations that go to Albany, and keep them, threaten to punish for the conduct of the rest, the reb to intimidate, should they fail in their attempts to blind or corrupt. Colonel Butler you see, has much to do above; Fort Ontario in particular requires his greatest vigilance and perhaps may require his assistance; tell him I greatly rely on his address and management, he must not act niggardly in business of this importance, but reward generously those who may deserve. He should consult and communicate freely with the commandant of those Posts, but to all others, yourself only excepted, he cannot be too reserved."

After the meeting at the Huron Village, Colonel Brant with a deputation of the Six Nations and also from the several Nations of Western Indians, requested a Council with Col. McKee, Indian Superintendent, to be held at Detroit, and the same covenant on the 24th December. The Indians told of the address to congress of the 18th December, and said their affairs with the Americans must "Absolutely be determined in about five months hence." They wanted the English to give them an answer in that period, as to what assistance they could rely on, in the event of hostilities (a).

Council  
at Detroit  
Indian  
Demands.

(a) Can. Arch. Q. 27, P. 76. "Father and Brethren;— Listen to us with attention: you are well acquainted that we went to the Shawanese country to hold Council there, you are also sensible of what happened to us, and what passed afterwards and what obliged us to reassemble at the mouth of this River, our business at these places we shall now explain to you, it being finally settled. The reason that called us to Council at those different places is the Americans have given us great trouble since the peace concluded between you and them, in which we the Indians were left out, although it was our attachment to you that led us into your disputes, the treatment we have met with from the Americans has involved us in great difficulties and trouble, but we have at last agreed how to act in this important matter, which is to send a letter to Congress and propose for them to come and meet us half way between their country and ours, to treat with them on matters which may be mutually beneficial to us both if they are so disposed, particularly respecting the Establishing a boundary line, as the only certain means of procuring a lasting peace between them and us. We mean to do it on as reasonable terms as Equity and Justice to ourselves will permit. The first steps we desire them to take, is to forbid their people crossing the Ohio River till our negotiation will take place — which we propose to be in about four months from this day, we have for this end appointed Deputies from our late Councils to go to all the Nations both Southward and Westward to make them acquainted with our resolutions, and to require them to be in readiness and to assemble by the time appointed to Defend themselves and their rights if necessary requires, but in the meantime "to keep within their own limits until we see farther.

Continued on page 1300



They were answered their representations would be laid before the Commander in Chief, and McKee promised to give all the assistance in his power, consistent with his instructions.

Applica-  
tion of  
Municipal  
Law to  
Six  
Nations.

There appears a Memorandum in the Archives of this period, signed "Wm. Drummer Powell", (a) telling of the conversation with Colonel Brant, in which the letter said

"he should recommend to his young people submission to the King's laws,"

Judge  
Powell.

and Powell adds,

"my personal opinion was ever in favour of the entire Independence of the Indians in their villages."

which opinion was strongly held by Governor Simcoe.

Simcoe's  
Views.

He writes Dundas, Secretary of State, on 3rd, July, 1794 (b);—

"It rests for me, to observe, Sir, that I have always considered an Article of the Treaty of Utrecht to be the only authentic Document that defines the state of the Indians, as far as it respects the European nations, *Whose line of Demarcation as limited by themselves* for their own mutual guidance gives to the Indians and their respective traders the most perfect freedom therein and considers the natives as entirely independent."

Criminals  
to be  
surrendered  
by Treaty.

and on December 22nd, 1795, Simcoe suggest to Dorchester (c);—

"the Indian agent should be instructed to make such terms with the Chiefs of the Grand River as may ensure the delivery of all murderers."

Which certainly implies a doubt as to whether the ordinary municipal law of the country had any force in the country of the Six Nations, save with their consent, emphasized perhaps by the remarks Simcoe further on in the same communication makes as to "the Independent Indian Nations."

Attorney  
General  
White's  
Law.

On September 26th, 1796, the Attorney General reported to the Administrator of the Government (d);—

"It is my duty to state to your Honor that I had strong legal doubts of the propriety of the Deed that was intended to

- (a) Can. Arch. Q. 283, P. 94, 3rd January 1787, One of the Judges.  
(b) Can. Arch. Col. Office Records, Series Q. Vol. 280-1, P. 201-207.  
(c) Can. Arch. Q. 282, P. 140.  
(d) Can. Arch. Q. 283, P. 18.

Continued from page 1299

This Father and Brethren, is the purpose of our late Council at the Huron village and which we finish on the 18th instant. Father and Brethren;— We have now told you the heads of the different matters that were transacted at our late Council, and we earnestly beg of you to reflect seriously upon the consequences and our critical situation. It was from an attachment to your interests that we made enemies of the Americans and we are still involved in hostilities, whilst you are enjoying the blessings of Peace, of which we, your Allies, have not hitherto felt the good effects. This you must acknowledge yourselves is a hardship, we again earnestly require your reflections upon our situation, you are not ignorant of it, neither are you ignorant of the advantages the Americans would take of us, had they it in their power. We request that as the Great representatives of the King is now arrived on this Continent, that the English will give us such ample answer as the importance of the subject requires. We call it a subject of importance as our future welfare depends much upon the present prudent management of our affairs. We beg that there may be no delay on your part to give us an answer, as our affairs with the Americans must absolutely be determined in about five months hence. We will be happy if the English would previous to that period give us a determined answer which we may rely on, and by all means freely to speak their sentiments, as far as it is consistent with the nature of our alliance."



be given to them. But I conceive it unnecessary to trouble your Honour with a repetition of the suggestions that I laid before His Excellency the Lieut. Governor who will doubtless inform His Majesty's ministers of every difficulty. *The principal and on which the others hinged, was that the Six Nations do not acknowledge the Sovereignty of the King. They call themselves Allies; and in such case are I presume to be considered as Allies.*"

In fact the Attorney General concurred in Sir William Johnson's pronouncement of years before, that the Six Nations were a "foreign people."

In a further report to Council (a) respecting the Six Nations lands at Grand River, the Attorney General States;—

*"The manners of the Indians required that the tract assigned them should be in common, unalienable and kept out of the view of our Municipal Laws, at least so long as they affected to consider themselves independent Allies, for this purpose a Council, a Treaty, a Belt, was adequate; it was a Compact of One Nation with another, to be governed by general rules and not by the provision of the Common Law of England—to answer the fair intent, all was done that ought to have been done except the exclusion from their tract of all white subjects. Holding what was then done to have been adequate to the wish of the Indians, and the intent of Government, new circumstances must have arisen to justify any call by the Indians on Government for further assurance or change. Such new circumstances do exist, the gradual approach of the white people on either side the Tract, the necessity of roads through it, and of municipal protection to travellers and occasional sojourners in it, absolutely demand a less equivocal Dominion, subjected to known rules of Law. I instance these as a motive to the Government to listen to a change. . . . The Government cannot wish to constrain them or to introduce our Laws among them so long as they continue a people apart."*

Agreements should be made with the Indians adapted to their changed circumstance.

Which is practically the doctrine laid down in the United States Supreme Court, in the case of *Worcester V State of Georgia* (b), so often quoted with approval as to have become a classic.

The Honourable Peter Russell, Administrator of Upper Canada, on January 28th, 1797, in addressing the Duke of Portland, Secretary of State, on the subject of the Six Nation lands at Grand River (c) hinted;—

Hon. Peter Russell, Police Law not enforceable.

"It is possible indeed that when Sir Frederick Haldimand appropriated the lands on the Grand River for the accommodation of the Six Nations—consequently not immediately adverted to the obstructions to Justice, likely to be occasioned by his thus

(a) Can. Arch. Q. 283, P. 87.

(b) 6 Peters 515.

(c) Can. Arch. Q. 283, P. 57.

"placing so large an extra judicial Territory across its centre (for nearly so far does the course of that River extend from its source to its communication with Lake Erie).

Should this be the case, I am so sensible of the difficulties we may experience from thence in regulating the Police of this Government, that I should almost be inclined to wish a removal of them."

but it does not seem to have occurred to the Administrator, that all he had to do to remove these difficulties, was to negotiate a treaty with the Indians as suggested by the Attorney General.

Six  
Nations  
have full  
control  
over  
Tribal  
Property.

As to how far the Six Nations were entitled to dispose of their own property, the matter came before the Administrator in Council, at York, on 29th June, 1797 (a) in their particular connection, when it was decided;—

"The Board is unanimously of Opinion the Indians are entitled to have the Provision made for them His Majesty, *applied in any manner that they shall think proper.*"

"The Board is unanimously of Opinion that it *must be left to the Indians themselves* to say which of them are entitled to His Majesty's bounty."

(signed) J. Elmsley, Chairman.

It is submitted to be fair comment on the above that today under the present administration of Indian Affairs the Six Nations are not allowed to expend at their discretion one dollar of tribal money, either principal or interest, and that the Superintendent General alone decides who is "entitled to share in the property and annuities of the Band" (b) and that his decision is, subject to an appeal to the Governor in Council, "final and conclusive."

(a) Can. Arch. Q. 285, P. 169.

(b) Indian Act. Sn. 18.

This statement in which is attempted to be set out the narrative of the Treaty relations between the Six Nations and the British Crown, must halt with the account of the meeting at Detroit, 24th of December, 1786. Important phases of these relations undoubtedly developed between that date and the passage of the "Act respecting Indian lands and property," in 1860; including the final establishment of the Six Nations on their lands at Grand River, the final release by Brant and Deseronto of their tribal rights in New York, the war of 1812-1814, the rebellion in Canada in 1837; all marked with some action bearing on the national life of the Confederacy, or its relationship to the Empire, and of which at some future date an account may be continued. The writer, has, however, thought fit to interject here a few isolated extracts from documents bearing on the matters which his narrative is an attempt to elucidate, chiefly concerning the early understanding of the Colonial Government as to the legal position of the Six Nations in their new home in Upper Canada, and the rights or exemptions then accorded them, and epitomized in the extract from the Attorney General's report mentioned at Page 177. The immediate perception by the Canadian Authorities that the true method of providing for the observance of the law, or as to what law should be observed in the territory of the Six Nations, was by a pact between that people and the Government of the Country, is also attempted to be shown; and some surprise may be expressed here, this being so apparent; that the status of

independence which Haldimand, Dorchester, Simcoe and the British Government seemed quite willing to accord to the Indians, did not of itself result in the negotiation of such pacts. Possibly an explanation may be found in the fact that after the death of Colonel Brant in 1807, the true relations between the Crown and the Six Nations were not accentuated; and with the advent of more peaceful times in North America. The great political importance of the old alliance between Great Britain and the Confederated Indians began to decline. It is an inspiring thought however, that to the Akonoshionni, the ancient covenant chain between them and the King has never lost its silvery brightness, nor its links their binding force; and when under the sanction of this ancient tie they approach the Great King's Government and ask for a renewal of the covenant chain and that their grievances be redressed, it is not to be supposed the King's Wise Men will refuse to hearken to them.

The Writer has to express his deep obligations to William Smith, Esquire, Assistant Keeper of Public Records, for assistance in obtaining records in the Canadian Archives; and to Duncan S. Scott, Esquire, Deputy Superintendent General of Indian Affairs, for his kindly consideration in affording extension of time in the preparation of this statement of facts, accompanying the petition of the Council of the Six Nations. Without the careful editing and invaluable advice and aid throughout of Mr. W. D. Lighthall, K.C., the writer feels he could not have presented what he ventures to hope, is a strong representation of the rights of the Six Nations people, and of the great debt not only Canada, but the whole British Empire, owes to this ancient Indian Confederacy, a fact perhaps not sufficiently remembered in the present day.

Of Counsel for Six Nations.

London, Ont.,  
March 12, 1920.

## SUMMARY

In the foregoing statement of the relations between the Six Nations and the British Crown covering a period of over 250 years, is disclosed the story of an aboriginal State, suited to the degree of civilization prevailing in America so long ago, and yet an organized and self governing people with a distinct country of their own with bands well defined, with whom the British for politic reasons in 1664, were induced to enter into a treaty of close friendship and alliance; for the same reasons often renewed and still prevailing. An account of this first treaty may be found on pages 18, 19, of the Statement. The terms of this alliance were clearly defined, as may be seen by reference to Page 45, and while renewed were never varied as may be noted in subsequent pages, till in the 1768, a line of demarcation was established between the lands of the Six Nations and the lands of the King and their full independence acknowledged by the Treaty of Fort Stanwix, on 5th, November as fully set out at Page 90 and following pages. The position of the Six Nations at this period of their history, as recognized by International Law, is believed to be fairly described at Pages 99-103 of the Statement. The Six Nations contend that all these rights are in full force and effective today. When Rebellion broke out in America, the King called on his Allies for assistance, and promised if given, he would "protect them and preserve them in all their rights." See Page 112 et seq. for an account of the negotiations. The Six Nations came to his assistance. They lost their country and their all in consequence. A short account of this will be found at Pages 119 et seq. of the Statement. At page 123, will be found the promise of the Government to make good the losses of the Indians'. At page 137 and following pages, the attempt of the Government through Haldimand to redeem this promise. The negotiations in England, between Colonel Brant, as Envoy for the Six Nations, and the British Government, and the circumstances attending the same, when it was promised by the King, the Six Nations in their new home would remain in "the possession of those Rights and Privileges which their Ancestors have heretofore enjoyed," will be found at Page 168. The subsequent Patent to the Six Nations of their lands on the Grand River, under date of January 14th, 1793, is of record in the Department Indians Affairs, or may be found in "Indian Treaties and Surrenders," and granted these lands to the Six Nations and their heirs "*to be held and enjoyed by them in the most free and ample manner and according to the several customs and usages of them the said Chiefs, Warriors, Women and People of the Six Nations.*"

No statute ever governed the Six Nations under the Imperial regime. Intercourse between the Crown and the Six Nations was superintended by a special officers appointed for that purpose from the year 1755 to 1845, Sir William Johnson, 1755-1774; Colonel Guy Johnson, 1774-1782; Colonel John Butler, 1782-1796; Colonel Alex. McKee till January 1799; Capt. William Claus, 1799-1826; Colonel James Givens, 1826-1828; John Brant, son of Joseph Brant, 1828-1832; Major Winniett, 1832-1845, when the office of Superintendent for the Six Nations was abolished. These officers attended to the affairs of the Six Nations as distinguished from the other Indians of Canada, the Six Nations being recognized as separate and distinct. Whatever the position between 1845 and 1859, when the "Act respecting the Indian lands and property" was passed, it was particularly



represented to Her Majesty before her assent was given to this in the letter from the Governor General of April 30th, 1860, (P44), "it makes no changes whatever in the rights of the Indian tribes," and there is no doubt this was the intention.

Since Canada has administered Indian Affairs, the Indian Department has by its powers assumed under the Indian Act, and amendments to the same from time to time, suggested by its officers, as to which the Six Nations have never been consulted; sought to apply the same rules under which it manages the affairs of the blanket Indian of the West to its dealings with the tribal affairs of the Ancient Six Nations Confederacy, till practically all their ancient rights and liberties, have been denied them. The Six Nations say that under the circumstances disclosed in the Statement of facts herewith submitted this is illegal, and that under the law they should enjoy the status of an independent Protectorate, and they ask the Supreme Court of Canada, should determine this matter. *In seeking this relief they ask nothing that is not enjoyed at the present time by their brethren in the United States, who have constitutions of their own under which they successfully administer their national or tribal affairs without interference.* It is with this object the Six Nations submit the Petition and statement hereto attached.

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## APPENDIX "M2"

S. C. O.

VERNA LOGAN

Plaintiff

v.

CLIFFORD E. STYRES,  
R. J. STALLWOOD and  
THE ATTORNEY GENERAL  
OF CANADA

Defendants

M. Montgomery, R. E. Pringle and  
J. H. Gardner for the plaintiff,

R. F. Wilson, Q.C. and C. E. Woollcombe for the defendants.

KING, J.

In the Statement of Claim the plaintiff is described as a member of the Six Nations Indian Band residing upon the Six Nations Indian Reserve near Brantford, Ontario, and the wife of Joseph Logan, Jr., a Mohawk Chief of the Six Nations Indians. The constituent members of the said Six Nations Indians are the Mohawk, the Oneida, the Onondaga, the Cayuga, the Seneca and the Tuscarora.

In the course of her evidence the plaintiff stated that she was nominated to bring the action on behalf of the hereditary Chiefs of the Six Nations Indian Band and although the defendants submitted that the plaintiff, as an individual member of the Six Nations Indian Band, had no status to maintain the action for the relief claimed, I have nevertheless allowed the action to proceed.

The defendant, Clifford E. Styres, is chief councillor of the elected council of the said Six Nations Indian Band and the defendant R. J. Stallwood is superintendant of the Six Nations Indian Agency at Brantford, Ontario.

The Six Nations Indian Reserve at Brantford consists of slightly more than the 45,000 acres of land set aside for the use and benefit of the Six Nations Band.

The present action is for an injunction to restrain the defendants from taking any steps to facilitate the surrender of 3.05 acres of land being a part of the said Reserve and for a declaration that Order-in-Council P.C. 1629 dated September 17th, 1924 and Order-in-Council P.C. 6015 dated November 12th, 1951 are *ultra vires* the powers of His Excellency the Governor General of Canada acting for and with the advice and consent of the Queen's Privy Council for Canada.

Briefly, the position taken by the plaintiff is that the Six Nations Indians in the latter part of the Eighteenth Century and subsequently were the faithful allies of the British Crown and that they continue to the present day to be such faithful allies and that they never were and are not today subjects of the Crown. The plaintiff then takes the further position that the Six Nations Indians, not being subjects of the Crown, it was *ultra vires* the powers of the Parliament of the United Kingdom to enact Section 91 (24) of the British North America Act, 1867, 30 Victoria, ch. 3, whereby the legislative authority of the Parliament of Canada is made to extend to all matters coming within the classification "Indians, and lands reserved for the Indians", insofar as the said Six Nations Indians are concerned. If this be so the plaintiff then states that it is *ultra vires* the powers of the Parliament of Canada to enact The Indian Act, R.S.C. 1952, ch. 149, insofar as the said Six Nations Indians are

concerned and that likewise the Orders-in-Council already referred to and made pursuant to The Indian Act are likewise *ultra vires* insofar as the Six Nations Indians are concerned.

If the plaintiff is able to establish the above then I am of the opinion that judgment should be given for the relief asked but of course it is a formidable task that the plaintiff has undertaken.

The difficulties would appear to have arisen with the Orders-in-Council already referred to. Almost from time immemorial the Indian Bands which formed, first the Five Nations Confederacy, and later the Six Nations Confederacy were governed by their hereditary Chiefs. I have used the term 'hereditary Chiefs' to describe the system whereby the Clan Mothers designated a Chief from among the male members of certain families within the Clan. The Orders-in-Council to which objection is taken set up a system whereby elected Councillors would supplant the hereditary Chiefs among other matters in dealing with the surrender of Reserve lands. It would appear that many of the Six Nations Indians, a great majority in fact, do not recognize the authority of the Parliament of Canada to provide for elected Councillors or to provide for the surrender of Reserve lands by means of a vote. Such members of the Six Nations Indians, it would appear, simply refrain from voting at all and in the proposed surrender of the lands in question when a vote was held on July 27th, 1957, only 53 votes were cast out of which 30 voted for surrender and 23 against surrender and this out of about 3,600 eligible voters. It is the elected Councillors who negotiate the terms of surrender and in the present case Cockshutt Farm Equipment Limited proposed to purchase the 3.05 acres of land in question for the sum of \$25,000.00 and the elected Councillors accepted this proposed purchase price and arranged for a vote on the surrender to Her Majesty the Queen of the land in question so that it might be sold to the proposed purchaser. I have given the result of the second vote which was taken on the question of surrender. The first vote which was held in the preceding month was much the same with 54 persons having voted, 37 for the surrender, 16 against the surrender and one rejected ballot, but since the majority of those entitled to vote did not vote on the first occasion, the second vote was called for.

It should be remembered that The Indian Act, Ch. 149, R.S.C. 1952 provides in sections 39 and 40 that the Governor-in-Council may accept or refuse a surrender of land so that it is still quite possible for the Governor-in-Council to take the position that the surrender of the land in question in this action should be refused. From the evidence given at the trial it is difficult to see what advantage would accrue to the Six Nations Indians by surrendering the land in question.

Before turning to the evidence in this action I should say that in my opinion all of the witnesses were honest witnesses who were endeavouring to tell the truth. Indeed, there is no dispute about any facts of any consequence. I should say, however, that the plaintiff was given some leeway in presenting the historical background of the plaintiff's claim and in putting forward the merits of the hereditary system of Chiefs as opposed to the elective system of Councillors. The defendants did not consider it necessary to present any evidence with respect to the merits of the hereditary system as opposed to the elective system so that only one side of this matter was before the Court.

A start has to be made at some stage and I believe a satisfactory point at which to begin is with the Haldimand Deed dated October 25th, 1784, which



followed the conclusion of the American Revolution and which in its recitals sets out a sufficient background. It is as follows:

*"Frederick Haldimand Captain General and Governor in chief of the province of Quebec and Territories depending thereon etc., etc., etc., General and Commander in Chief of His Majesty's Forces in said province and the Frontiers thereof—etc.—etc.—etc. —*

*Whereas His Majesty having been pleased to direct that in consideration of the early attachment to his cause manifested by the Mohawk Indians and of the loss of their settlement which they thereby sustained—that a convenient tract of land under his protection should be chosen as a safe and comfortable retreat for them and others of the Six Nations, who have either lost their settlements within the Territory of the American States, or wish to retire from them to the British—I have at the earnest desire of many of these His Majesty's faithful allies purchased a tract of land from the Indians situated between the Lakes Ontario, Erie and Huron, and I do hereby in His Majesty's name authorize and permit the said Mohawk Nation and such others of the Six Nation Indians as wish to settle in that quarter to take possession of and settle upon the Banks of the River commonly called Ouse or Grand River, running into Lake Erie, allotting to them for that purpose six miles deep from each side of the river beginning at Lake Erie and extending in that proportion to the head of the said river which them and their posterity are to enjoy for ever. . . .*

*Given under my hand and seal at arms at the Castle of St. Lewis at Quebec this twenty-fifth day of October one thousand seven hundred and eighty-four and in the twenty-fifth year of the reign of our Sovereign Lord George The Third by the Grace of God of Great Britain, France and Ireland King Defender of the Faith and so forth.*

*Fredk Haldimand*

*. . . . By His Excellency's Command . . .*

*R. Mathews"*

It should be noted that the foregoing document is a deed and is not in any sense a treaty although in the course of the evidence it was referred to as The Haldimand Treaty from time to time.

In the surrender of their lands from time to time the Six Nations Indians trace their title to the lands to this Haldimand Deed and in a typical document of surrender there is included the recital

*"Whereas His late Majesty did by a certain instrument, bearing date the twenty-fifth day of October, in the year of Our Lord one thousand seven hundred and eighty-four, under the hand and seal of Sir Frederick Haldimand, then Governor of Quebec, allot and grant unto us upon the banks of the said river running into Lake Erie six miles deep from each side of the said river, beginning at Lake Erie and extending in that proportion to the head of the said river,"*

However, there is another document upon which the Six Nations Indians rely and it is known as the 'Simcoe Deed' dated 14th January, 1793, and it is as follows:

"J. Graves Simcoe  
(Great Seal of Canada)

George the Third, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, and so forth. To all to whom these presents shall come, Greeting!

Know ye, that whereas the attachment and fidelity of the Chiefs, Warriors, and people of the Six Nations, to Us and Our Government has been made manifest on divers Occasions by their spirited and zealous Exertions, and by the Bravery of their Conduct, and We being desirous of showing Our Approbation of the same and in recompense of the Losses they may have sustained of providing a convenient Tract of Land under Our protection for a safe and suitable Retreat for them and their Posterity, Have given and granted and by these Presents Do Give and Grant to the Chiefs, Warriors, Women and People of the said Six Nations and their Heirs forever, All that District or Territory of Land, being Parcel of a certain District lately purchased by Us of the Mississagua Nation, lying and being in the Home District of Our Province of Upper Canada, beginning at the Mouth of a certain River formerly known by the name of the Ouse or Grand River, now called the River Ouse, where it empties itself into Lake Erie, and running along the Banks of the same for the space of Six Miles on each side of the said River, or a space co-extensive therewith, conformably to a certain Survey made of the said Tract of Land, and annexed to these Presents, and continuing along the said River to a Place called or known by the Name of the Forks, and from thence along the main Stream of the said River for the space of Six Miles on each side of the said Stream, or for a space equally extensive therewith, as shall be set out by a Survey to be made of the same to the utmost extent of the said River as far as the same has been purchased by us, and as the same is bounded and limited in a certain Deed made to Us by the Chiefs and People of the said Mississagua Nation, bearing Date the Seventh Day of December, in the year of Our Lord One Thousand Seven Hundred and Thirty-Two; To have and to Hold the said District or Territory of Land so bounded as aforesaid of Us, Our Heirs and Successors, to them the Chiefs, Warriors, Women and People of the Six Nations, and to and for the sole use and Behoof of them and their Heirs for ever, Freely and Clearly of and from, all, and all manner of rents, fines, and services whatever to be rendered by them or any of them to Us or Our Successors for the same, and of and from all conditions, stipulations and agreements whatever, except as hereinafter by Us expressed and declared. Giving and granting, and by these Presents confirming to the said Chiefs, Warriors, Women, and People of the said Six Nations and their Heirs, the full and entire possession, use, benefit advantage of the said district or territory, to be held and enjoyed by them in the most free and ample manner, and according to the several customs and usages of them the said Chiefs, Warriors, Women, and People of the said Six Nations; Provided always, and be it understood to be the true intent and meaning of these Presents, that, for the purpose of assuring the said lands, as aforesaid to the said Chiefs, Warriors, Women, and People of the Six Nations, and their Heirs, and of securing to them the free and undisturbed possession and enjoyment of the same,

it is Our Royal will and pleasure that no transfer, alienation, conveyance, sale, gift, exchange, lease, property or possession, shall at any time be had, made, or given of the said district or territory, or any part or parcel thereof, by any of the said Chiefs, Warriors, Women or People, to any other nation or body of people, person, or persons whatever, other than among themselves the said Chiefs, Warriors, Women and People, but that any such transfer, alienation, conveyance, sale, gift, exchange, lease or possession shall be null and void and of no effect whatever, and that no person or persons shall possess or occupy the said district or territory or any part or parcel thereof by or under pretence of any such alienation, title or conveyance as aforesaid, or by or under any pretence whatever, upon pain of Our severe displeasure.

And that in case any person or persons other than them, the said Chiefs, Warriors, Women and People of the said Six Nations, shall under pretence of any such title as aforesaid presume to possess or occupy the said district or territory or any part or parcel thereof, that it shall and may be lawful for Us, Our heirs and successors, at any time hereafter, to enter upon the lands so occupied and possessed by any persons other than the people of the said Six Nations, and them the said intruders thereof and therefrom, wholly to dispossess and evict, and to resume the part or parcel so occupied to Ourselves, Our heirs and successors; Provided, always, that if at any time the said Chiefs, Warriors, Women and People of the said Six Nations should be inclined to dispose of and surrender their use and interest in the said district or territory or any part thereof, the same shall be purchased for Us, Our heirs and successors, at some public meeting or assembly of the Chiefs, Warriors, and People of the said Six Nations, to be holden for that purpose by the Governor, Lieutenant-Governor, or person administering Our Government in Our Province of Upper Canada.

In Testimony Whereof, We have caused these Our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed, Witness. His Excellency John Graves Simcoe, Esquire, Lieutenant-Governor and Colonel Commanding Our Forces in Our said Province. Given at Our Government House, at Navy Hall, this fourteenth day of January, in the year of Our Lord one thousand seven hundred and ninety-three, in the thirty-third year of Our Reign.

(Signed) Wm. Jarvis, Secretary.

Recorded February 20th, 1837.  
Lib. F., Folio 106.

(Signed) D. Cameron, Sy. and Regr.

(Initialled) J.G.S."

The purpose of the Simcoe Deed would seem to be to confirm the grant already made by the Haldimand Deed. In each of these deeds it is made clear that those of the Six Nations Indians settling on the lands therein described do so under the protection of the Crown. In my opinion, those of the Six Nations Indians so settling on such lands, together with their posterity, by accepting the protection of the Crown then owed allegiance to the Crown and thus became subjects of the Crown. Thus, the said Six Nations Indians from having been the faithful allies of the Crown became, instead, loyal subjects of the Crown.



The position which the Six Nations Indians have taken throughout the years is perhaps best stated in their own words in the submission made by them to the representatives of the United Nations at San Francisco, California, U.S.A., on April 13th, 1945 and which was as follows:-

"On behalf of the people of the Six Nations Indians settled upon part of the territory granted to them pursuant to the pledge given by the British Crown and granted under the terms of the Haldimand Treaty of March 1784, we, the representatives of the above named people of the Six Nations Indians, appeal to the conscience of the democratic nations for action to correct the deep injustice under which we are suffering.

In accord with the terms of the proposal made to us by representatives of the English Crown, we as a sovereign people accepted the terms of the Haldimand Treaty and settled upon the territory thereby granted to us. A few years after our occupation of the territory and before it was fully settled a large part of the territory was alienated from us by methods and on terms which did a deep injustice to our people and all their descendents. One, Joseph Brant, using an alleged power of attorney from the Six Nations Indians dated November 2, 1796, leased large sections of our territory to white people. No revenue whatsoever accrued to the people of the Six Nations Indians for such leases and until now we have been unable to secure either restoration of the property which was granted to us and our descendents and friends in perpetuity, nor to secure compensation for its alienation.

Our claim for abrogation of the so-called leases under which this property was alienated from us or, failing such abrogation, compensation for such alienation or revenues from all such lands, is based upon the fact that, according to the terms of the Indian Act (which deny to Indians the legal status of a person) and the terms under which the land was granted to us, the methods by which the above named Brant disposed of said lands were illegal and cannot be justified either in the eyes of the law or by the conscience of governments.

We appeal to the representatives of the governments and peoples of the United Nations gathered here in this historic conference at San Francisco to aid the people of the Six Nations Indians in securing these fundamental rights. Our appeal for restoration of the property rights guaranteed to us in 1784 is based first of all upon our duty, as parents, to protect the rights and the futures of our children, but it is based also upon our solemn obligation to protect the rights of our people as a whole. We, the people of the Six Nations Indians, who fought as allies of the British Crown during the American revolutionary war, accepted the grant of lands described in the Haldimand Treaty and came to Canada from the United States to settle on these lands in the spirit and in the understanding that we were doing so as a sovereign people. As a nation we now appeal to the conscience of the nations of the world. We appeal for the restoration of those lands which the terms of the Haldimand Treaty guaranteed the people of the Six Nations 'and their posterity are to enjoy forever'.

Verification of all the above statements is to be found in the copy of Sessional Paper No. 151 tabled in the House of Commons Canada on April 5th, 1945, which is attached.

ON BEHALF of the people of the Six Nations Indians on the Grand River at Brantford, Ontario. ....



From the evidence before me, however, it would appear the strongest case for the Six Nations Indians should be based upon the submission that Parliament should not make the Orders-in-Council to which objection is taken applicable to the Six Nations Indians rather than that Parliament cannot make such Orders-in-Council applicable. It seems to me much might be said on that score.

I am of the opinion that the Six Nations Indians are entitled to the protection of the laws of the land duly made by competent authority and at the same time are subject to such laws. While it might be unjust or unfair under the circumstances for the Parliament of Canada to interfere with their system of internal government by hereditary Chiefs, I am of the opinion that Parliament has the authority to provide for the surrender of Reserve land, as has been done herein, and that Privy Council Order P.C. 6015 is not *ultra vires*. It should be noted that P.C. 1629 has been revoked by P.C. 6015, so it is not necessary to consider P.C. 1629 further.

In my opinion, therefore, the plaintiff is not entitled to an injunction and is not entitled to the declaration asked for.

The plaintiff's action is therefore dismissed but, under the circumstances, without costs.

September 3, 1959.

"J. M. King J."

## JOINT COMMITTEE

## APPENDIX "M3"

## HALDIMAND GRANT

No. 106

FREDERICK HALDIMAND, Captain General and Governor in Chief of the Province of Quebec and Territories depending thereon, &c., &c., &c., General and Commander in Chief of His Majesty's Forces in said Province and the Frontiers thereof, &c., &c., &c.

Whereas His Majesty having been pleased to direct that in consideration of the early attachment to His cause manifested by the Mohawk Indians and of the loss of their settlement which they thereby sustained that a convenient tract of land under His protection should be chosen as a safe and comfortable retreat for them and others of the Six Nations who have either lost their settlements within the Territory of the American States or wish to retire from them to the British. I have at the earnest desire of many of these His Majesty's faithful allies purchased a tract of land from the Indians situated between the Lakes Ontario, Erie and Huron, and I do hereby in His Majesty's name authorize and permit the said Mohawk Nation and such others of the Six Nation Indians as wish to settle in that quarter to take possession of and settle upon the banks of the river commonly called Ouse or Grand River, running into Lake Erie, allotting to them for that purpose six miles deep from each side of the river, beginning at Lake Erie and extending in that proportion to the head of the said river, which them and their posterity are to enjoy for ever.

Given under my hand and seal at arms at the Castle of St. Lewis, at Quebec, this twenty-fifth day of October, one thousand seven hundred and eighty-four, and in the twenty-fifth year of the reign of Our Sovereign Lord George the Third by the Grace of God of Great Britain, France and Ireland, King, Defender of the Faith and so forth.

FREDERICK HALDIMAND.

By His Excellency's command.

R. MATHEWS.

Registered 20th March, 1795.)  
WM. JARVIS }

PROVINCIAL REGISTRAR'S OFFICE,  
QUEBEC, 23rd June, 1862.

I hereby certify the within to be a true and faithful copy of the record of the original grant, as entered in Lib. A., Folio 8 (manuscript.)

WM. KENT,  
Deputy Provincial Registrar.

## APPENDIX "M4"

## SIMCOE DEED

No. 4.

J. GRAVES SIMCOE.

{ Great seal of }  
{ Canada. }

GEORGE the THIRD, by the Grace of God of Great Britain, France and Ireland,  
King, Defender of the Faith, and so forth.

To all to whom these presents shall come Greeting:—

KNOW YE, that whereas the attachment and fidelity of the Chiefs, Warriors, and people of the Six Nations, to Us and Our Government has been made manifest on divers Occasions by their spirited and zealous Exertions, and by the Bravery of their Conduct, and We being desirous of showing our Approbation of the same and in recompence of the Losses they may have sustained of providing a convenient Tract of Land under Our protection for a safe and suitable Retreat for them and their Posterity. Have of Our Special Grace, certain Knowledge and mere motion, given and granted and by these Presents Do Give and Grant to the Chiefs, Warriors, Women and People of the said Six Nations and their Heirs for ever, All that District or Territory of Land, being Parcel of a certain District lately purchased by Us of the Mississague Nation, lying and being in the Home District of Our Province of Upper Canada, beginning at the Mouth of a certain River formerly known by the name of the Ouse or Grand River, now called the River Ous where it empties itself into Lake Erie, and running along the Banks of the same for the space of Six Miles on each side of the said River, or a space co-extensive therewith, conformably to a certain Survey made of the said Tract of Land, and annexed to these Presents, and continuing along the said River to a Place called or known by the Name of the Forks, and from thence along the main Stream of the said River for the space of Six Miles on each side of the said Stream, or for a space equally extensive therewith, as shall be set out by a Survey to be made of the same to the utmost extent of the said River as far as the same has been purchased by us, and as the same is bounded and limited in a certain Deed made to Us by the Chiefs and People of the said Mississague Nation, bearing Date the Seventh Day of December, in the year of Our Lord One thousand seven hundred and thirty-two To Have and to Hold the said District or Territory of Land so bounded as aforesaid of Us, Our Heirs and Successors, to them the Chiefs, Warriors, Women, and people of the Six Nations, and to and for the sole use and Behoof of them and their Heirs for ever, Freely and Clearly of and from, all, and all manner of rents, fines, and services whatever to be rendered by them or any of them to Us or Our Successors for the same, and of and from all conditions, stipulations and agreements whatever, except as hereinafter by us expressed and declared. Giving and granting, and by these Presents confirming to the said Chiefs, warriors, women, and people of the said Six Nations and their Heirs, the full and entire possession, use, benefit and advantage of the said district or territory, to be held and enjoyed by them in the most free and ample manner, and according to the several customs and usages of them the said Chiefs, warriors, women, and people of the said Six Nations: Provided always, and be it understood to be the true intent and meaning of these Presents, that, for the purpose of assuring the said lands, as aforesaid to the said chiefs warriors, women, and people of the Six

Third Session—Twenty-fourth Parliament

1960



Joint Committee of the Senate and the House of Commons

on

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone

and

Mr. Noël Dorion, M.P.

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 14

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THURSDAY, JUNE 23, 1960

FRIDAY, JUNE 24, 1960

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WITNESSES:

*From the Union of Ontario Indians:* Councillor Harry Miskokomon, Caradoc of the Thames; Chief W. Mewassige, Serpent River Indian Reserve; Chief E. P. Garlow, Six Nations; Chief Telford Adams, Sarnia Indian Reserve; Chief Omer Peters, Moravian Indian Reserve; and Chief George Hill, Oneida of the Thames.

*From the Department of Citizenship and Immigration:* Mr. H. M. Jones, Director of the Indian Affairs Branch; and Mr. L. L. Brown, Special Assistant to the Director.

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960



MEMBERS OF THE COMMITTEE  
FOR THE SENATE

Hon. James Gladstone,  
*Joint Chairman*,  
Hon. W. A. Boucher,  
Hon. D. A. Croll,  
Hon. V. Dupuis,  
Hon. M. M. Fergusson,  
Hon. R. B. Horner,

Hon. F. E. Inman,  
Hon. J. J. MacDonald,  
Hon. I. Méthot,  
Hon. S. J. Smith (*Kamloops*),  
Hon. J. W. Stambaugh,  
Hon. G. S. White—12

FOR THE HOUSE OF COMMONS

Mr. Noël Dorion, *Joint Chairman*,  
Mr. H. Badanai,  
Mr. G. W. Baldwin,  
Mr. M. E. Barrington,  
Mr. A. Cadieu,  
Mr. J. A. Charlton,  
Mr. F. G. Fane,  
Mr. D. R. Gundlock,  
Mr. M. A. Hardie,  
Mr. W. C. Henderson,  
Mr. F. Howard,  
Mr. W. H. Jorgenson,

Mr. S. J. Korchinski,  
Mr. R. Leduc,  
Mr. J. C. MacRae,  
Mr. J. J. Martel,  
Mr. H. C. McQuillan,  
Mr. H. J. Michaud,  
Hon. J. W. Pickersgill,  
Mr. A. E. Robinson,  
Mr. R. H. Small,  
Mr. E. Stefanson,  
Mr. W. H. A. Thomas,  
Mr. J. Wratten—24

Quorum—9

M. Slack,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

THURSDAY, June 23, 1960.

(37)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. with the Joint Chairman, Honourable Senator James Gladstone, and the Vice-Chairman, Mr. John Charlton, presiding.

*Present:*

*The Senate:* Honourable Senators Boucher, Fergusson, Gladstone, Horner, Inman, MacDonald and Smith (*Kamloops*).

*The House of Commons:* Messrs. Badanai, Charlton, Fane, Henderson, Korchinski, Small, Stefanson, Thomas, and Wratten.

*In attendance:* From the Union of Ontario Indians: Councillor Harry Miskokomon, Chief George Hill, Chief Omar Peters, Chief Telford Adams, Chief Garlow, and Chief Mewassige. From the Department of Citizenship and Immigration: Mr. L. L. Brown, Special Assistant to the Director of Indian Affairs; and Mr. C. I. Fairholm, Executive Assistant to the Director.

*Agreed*,—That the following documents tabled at yesterday's sitting by Mr. Jones, Director of the Indian Affairs Branch, be printed as appendices to evidence taken on June 22, 1960. (*See Issue No. 13*).

1. Judgment of Mr. Justice King with respect to the Six Nations Reserve. (*See Appendix M2, Issue No. 13*).
2. Haldimand Grant. (*See Appendix M3, Issue No. 13*).
3. Simcoe Deed. (*See Appendix M4, Issue No. 13*).

Mr. Thomas, a member of the Committee, introduced the Chairman of the delegation from the Union of Ontario Indians, Mr. Miskokomon, who introduced the members of his committee.

Mr. Miskokomon and Chief Garlow made brief introductory statements and then Mr. Miskokomon read the brief of the Union of Ontario Indians and was questioned thereon, and supplied additional information, assisted by Chief Garlow, Chief Peters and Chief Hill.

Mr. L. L. Brown, Special Assistant to the Director of Indian Affairs, supplied information on related matters.

At 11.00 a.m., the Committee adjourned until 2.30 p.m. this day

### AFTERNOON SITTING

(38)

The Committee resumed at 2.30 p.m., the Vice-Chairman, Mr. John Charlton, presided.

*Present:*

*The Senate:* Honourable Senators Boucher, Fergusson, Horner and MacDonald.

*The House of Commons:* Messrs. Charlton, Fane, Henderson, Korchinski, Stefanson, Thomas, and Wratten.

*In attendance:* Same as at morning sitting with the addition of Mr. Jones, Director of the Indian Affairs Branch. Mr. L. L. Brown, Special Assistant to the Director, was absent.

The Committee resumed consideration of the brief of the Union of Ontario Indians and dealt with a number of proposed amendments and suggestions for improving the Indian Act with Chief Hill and Chief Peters being questioned and supplying additional information thereon, assisted by Chief Garlow, Chief Adams, Chief Mewassige and Mr. Miskokomon.

Mr. Jones, Director of the Indian Affairs Branch, supplied information on various related matters.

*Agreed,*—That answers submitted by Mr. Jones to questions raised at previous meetings be printed as an appendix to this day's evidence. (See Appendix N1).

The questioning being continued, at 5.40 p.m., the Committee adjourned until 9.30 a.m. Friday, June 24.

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FRIDAY, June 24, 1960  
(39)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 9.30 a.m. this day, with the Vice-Chairman, Mr. John Charlton, presiding.

*Present:*

*The Senate:* Honourable Senators Boucher, Fergusson, Horner and MacDonald.

*The House of Commons:* Messrs. Badanai, Charlton, Fane, Henderson, McQuillan, Small, Stefanson, Thomas, and Wratten.

*In attendance:* From the Union of Ontario Indians: Councillor Harry Miskokomon, Councillor Ed. Poodry, Chief George Hill, Chief Omar Peters, Chief Telford Adams, Chief Garlow, and Chief Mewassige. From the Department of Citizenship and Immigration: Honourable Ellen Fairclough, Minister of Citizenship and Immigration and Superintendent General of Indian Affairs; Mr. H. M. Jones, Director of the Indian Affairs Branch, and Mr. C. I. Fairholm, Executive Assistant to the Director.

The Committee resumed consideration of the brief of the Union of Ontario Indians and dealt with an additional number of proposed amendments and suggestions for improving the Indian Act with Chiefs Hill, Peters and Mewassige and Mr. Miskokomon being questioned thereon and supplying additional information.

Mr. Jones, Director of the Indian Affairs Branch, supplied information on various related matters.

The questioning on the brief of The Union of Ontario Indians being completed, the Committee agreed to sit in the afternoon to hear additional representations not included in the brief.

At 11 o'clock a.m. the Committee adjourned to meet again at 2.30 p.m. this day.

## AFTERNOON SITTING

(40)

The Committee resumed at 2.30 p.m., the Vice-Chairman, Mr. John Charlton, presided.

*Present:*

*The Senate:* Honourable Senators Horner and MacDonald.

*The House of Commons:* Messrs. Baldwin, Charlton, Fane, Henderson, Korchinski, Leduc, Stefanson, Thomas, and Wratten.

*In attendance:* Same as at morning sitting with the exception of the Minister, Chief Hill and Chief Garlow.

Chiefs Mewassige, Adams and Peters made statements dealing with garnisheeing wages of Indian workers on an Indian Reserve, interference in landing of boats, and also problems in securing bank loans, and were questioned thereon.

The questioning being completed, the Vice-Chairman expressed the appreciation of the Committee to the representatives of The Union of Ontario Indians for their brief. Mr. Miskokomon, on behalf of his delegation, thanked the Committee for the opportunity of appearing before them.

At 3.50 p.m., the Committee adjourned to the call of the Chair.

*M. Slack,*  
*Clerk of the Committee.*





## EVIDENCE

THURSDAY, June 23, 1960.

The VICE-CHAIRMAN: Order, please, ladies and gentlemen. This morning, before we proceed to hear from the delegation, might I say that yesterday Mr. Justice King's judgment was tabled along with the Haldimand grant and the Simcoe deed.

What is the wish of the committee? In view of the fact that the history of the confederacy was put in as an appendix to the report yesterday, I wonder if it would be wise to have these documents printed in the record as an appendix to yesterday's report, instead of just being tabled?

Mr. THOMAS: I so move.

The VICE-CHAIRMAN: Is there any seconder?

Mr. KORCHINSKI: I second the motion.

Motion agreed to.

The VICE-CHAIRMAN: This morning we have with us the Union of Ontario Indians. There are six members of the delegation, and Mr. Thomas has requested the opportunity to introduce them. So I now call upon Mr. Thomas.

Mr. THOMAS: Well, Mr. Chairman and members of the committee, this is a real honour to be able to introduce these people, because they come from a part of the province of Ontario, and the constituency which I have the honour to represent.

This union of Ontario Indians, so called, is composed of the Indians on the reservation in the area of Sault Ste. Marie, and across southwestern Ontario, which includes the Six Nations reserve at Brantford.

They have submitted their brief under the name of the Union of Ontario Indians, and they have requested that several other subjects be taken up in addition to those in the brief. These will include the question of border crossing rights, that is, going back and forth across the St. Clair river at Sarnia. Chief Telford Adams would like to discuss that question.

Then there are certain land documents which Chief George Hill of the united reserve would like to have explained by departmental officials.

Chief Garlow would like to have a little special discussion of section 11 of the act, which involves the registration of Indians.

And before I forget it, the chairman of the delegation, Mr. Harry Miskokomon would like to have a short interview, if possible, with Colonel Jones while he is here in Ottawa in regard to school bus service on the Caradoc reservation.

Now I would like to introduce the chairman of this delegation, councillor Harry Miskokomon, who, in turn, will introduce the other members of his delegation. Thank you.

Mr. MISKOKOMON: Members of the committee, ladies and gentlemen, it is a great pleasure for this organization to be here today and to have the opportunity of bringing to this committee our proposed amendments to the Indian Act. We have worked for some time on this and we have done our very best. I think this committee will excuse us in some places where we probably are lacking the legal knowledge that we should have.

First of all I would like to introduce the other five members of my committee.

First of all I would like to introduce our senior member, Chief E. P. Garlow from the Six Nations.

Chief Garlow has been a chief off and on since 1935, to the present, and prior to that he has been in the council since 1929. He has had many years of experience in working for Indians. I think he is a quite capable man in this capacity.

Secondly I would like to introduce Chief William Mewassige of the Cutler reserve.

Chief Mewassige is an old timer in Indian affairs. This gentleman has been chief of his Indian reserve continuously for 18 years. Prior to that he was a councillor for 12 years on his reserve. This gentlemen also is a very dedicated man to Indian welfare.

Thirdly I would like to introduce Chief Telford Adams of the Sarnia Indian reserve.

This gentlemen also has a very strong record of many, many years in the service of his people. He has been chief for 14 years and a councillor for 10 years. This gentlemen has had very broad experience on the reserve with his people, and off the reserve with the non-Indian. He is working very steadily, at his job, for one of the power commissions and has been for some 30 odd years. He is a very steady man.

Fourthly I would like to introduce Chief Omer Peters of Moraviantown. This is one of, shall we say, the younger group who is coming up. He is younger in age, probably, but this gentleman also has been in the service of his people for many years. He has now been a successful candidate for the fourth term as chief on his reservation. Prior to that time he has been a councillor for six years. He is another very good man.

Finally we have my friend and neighbour from our own agency, Chief Hill.

Chief George Hill is again what I would term another younger man. He is younger in age but also a very intelligent man and a steady worker in Indian affairs. He has been working steadily for his own people, for all the people of Ontario, and in general for any Indian person. He has been another successful candidate for his second term as chief.

At this time, Mr. Chairman, if I could have a few minutes to explain the origin of our organization I would appreciate it.

The VICE-CHAIRMAN: Yes, that would be fine. You may sit down if you wish.

Mr. MISKOKOMON: Yes, that is fine. I would prefer to stand up. I am feeling a little better and more at ease right now.

I would like to explain the purpose behind this organization and how it was first started.

This organization was started in the fall of 1959 through the efforts of Chief Telford Adams of Sarnia and the late Chief John C. Jones of Cape Croker. These gentlemen had the opinion that if we amalgamated into one organization we could probably stress our views with greater strength than we could individually. We have spent many hours of thought putting this brief together. There have been many discussions. One of our first meetings transpired at the Cape Croker Indian reserve.

I am sorry to say that our meetings were so inspired by Indian thoughts that it was actually kind of confusing for the first day or two. What I mean by that is, there were so many problems that were brought up that we

jumped all over the Indian Act from start to finish, and back and forth, with the consequent result that we do not have at this time as systematic a brief as it perhaps should be.

We had other meetings held at the Walpole Indian reserve, at the Moraviantown reserve and at the Six Nations Indian reserve. We met for the last time at the Sarnia Indian reserve.

At the Cape Croker Indian reserve we had many delegates and many Indian band members from the northern bands, the eastern bands and also the southern bands. I think we had a good majority of the larger bands, and many, many of the smaller bands represented. If my memory serves me right there were over 200 delegates representing 20 some odd bands. The purpose of this meeting was to formulate a brief which would cover our problems as nearly as we could and as an intelligently as we could. However, as I said before, we were so anxious to get into this thing that it was a very hard program to start.

We organized ourselves, and the man who was elected was the late John C. Jones, Chief of the Cape Croker reservation. He carried on this work very, very strongly and in a very very dedicated way. In fact, he carried on so strongly that he eventually passed away. I believe that some of the reason why he did, was because he was an elderly man, and he tried so hard that his body would not stand it. Consequently, since that time, we are left without leadership.

These gentlemen to my right here are experienced men. They thought it was time that we elected a leader, president or chairman, whatever you may call it. Fortunately, or unfortunately, as the case may be, I was elected. I am very proud to represent these gentlemen but I will be frank, with you gentlemen, and say that I am not an experienced man on this job, but I will do my very best for this organization and for all Indian people in general.

Now, I would like to speak off the record to Colonel Jones and the minister. This has to do with our own present problem at Caradoc. It was very very unfortunate that these two individuals could not attend the opening of the new school that was dedicated and officially opened by Mr. Thomas a few weeks ago. We missed them and looked forward to meeting them but unfortunately they are also very busy people and could not attend.

I would like to express my thanks at this time for the opportunity of speaking to you. With that, ladies and gentlemen, I will conclude for the present.

The VICE-CHAIRMAN: Thank you, Mr. Miskokomon.

Is it your wish to read the brief, Mr. Miskokomon?

Mr. MISKOKOMON: Yes, we could, sir.

The VICE-CHAIRMAN: Yes, I think it would be wise. Who is your spokesman?

CHIEF E. P. GARLOW (*Six Nations, Hagersville*): I would like to make a few remarks before you enter into this brief.

Mr. Chairman, honourable members of the parliamentary Committee, it is a pleasure for me to be here. I have been here several times since I have been elected chief, to represent the Six Nations.

I might add to what our president said, that it is true that we lost a good man in the person of Mr. Jones. He devoted his time so much that I believe that was the reason that his body failed him. However, we got a good man, and a young man who is strong, and we suggested that he should take his place.

I think the purpose of this union is to help us carry out a forceful program of activities among our people, in that we should engage in social and economical welfare among our people and so forth.



I have quite a bit to say here. First of all I am delighted, and I am going to say that I was delighted when I heard that this legislation was passed and that they gave our people the franchise. I have spoken about this at several times, and particularly when the honourable Harris was minister. He had a good act. He gave us the vote in 1951, but there was nothing in it. We had to execute a waiver under the Dominion Succession Duties Act and revised statutes of Canada. I was here when they finished up the parliament discussions at that time in 1952. Mr. Charlton was with us.

I remember quite distinctly that the Honourable Minister of Justice, Mr. Fulton, I think his name is, tried to revise that and give the Indians a vote without having to execute a waiver. He went on to say that this country at one time belonged to the Indians and that gradually the white men had been encroaching on it, and that finally there were only small groups of Indian people here and there.

Foreigners come over here and within a very short time have a vote.

That situation existed until your party got in. I think it was the Honourable Mr. Jackson from the north—I may be mistaken in the name—who seconded the minister's motion. We have been reluctant to take any action since that was passed, and since we have been given the franchise. But now that we have been given this franchise, I feel that the Indian and the non-Indian should work together to make this great country of ours, that we call Canada, a prosperous and good place to live.

Senator HORNER: Hear, hear.

Chief GARLOW: We know that union makes strength. This is what we have done in this union of ours in Ontario. We have united, as you all know, and we must pull together in order to meet the problems with which we are faced from time to time.

I do not want to say too much because I do not want to bore you, but I just want to unload this off my breast because I am tickled to death for this privilege, and I am going to campaign for these people that gave us this privilege.

When Christopher Columbus found America, who did he find here? Somebody says "Indians". Yes, we were here. But I noticed in 1951 there was a suggestion to delete the Indians. I do not like that word and I think that the Honourable member Mr. Charlton does not like it either. I saw it written in *Hansard* at that time. He was our standby in Canada at Brantford. I think he is a good man. He has carried on successful work among our people. He is an honourable man. We consider him to be a valuable man in his constituency.

I think I better quit and give somebody else a chance to speak. However, I thank you for allowing me to make the very short remarks which I have made.

The VICE-CHAIRMAN: Thank you very much, Chief Garlow. Now, Mr. Miskokomon, will you read your brief?

Mr. MISKOKOMON: Yes, I will.

The VICE-CHAIRMAN: You may proceed. You can remain seated if you wish.

Mr. MISKOKOMON: First of all, Mr. Chairman, I would like permission to have one of our members of the executive board sit at this table if he may. He is at present sitting in the rear.

The VICE-CHAIRMAN: Yes.

Mr. MISKOKOMON: It is Chief Omer Peters I refer to.

The VICE-CHAIRMAN: Chief Peters, will you come up and sit in the chair next to Chief Garlow?

Mr. MISKOKOMON: Mr. Chairman, I will start reading our brief. The first part is an introduction of the brief to you honourable gentlemen.

To the Honourable Chairman and members of the parliamentary committee for the Department of Indian Affairs, Ottawa, Ontario.

Honourable Gentlemen:

The Indians of Canada have an interest in making government more efficient; government wants Indians to be more independent in self government and also acquire a higher standard of living. The solution of these problems are before this consultative body and it would contribute importantly to the faster growth of our country, the improvement of it's competitive position and the welfare of our people.

It has been predicted that in a few years hence, Canada will be considered a nation to whom other larger and smaller nations can appeal for help in arbitrating their grievances and get just and fair consideration. We, as Indians, in this great country of ours can feel proud of the splendid accomplishments of the government of Canada.

But there still remains within the boundaries of Canada, a nation of Indians, who at this time, have assembled for the purpose of expressing our views on improving our status, as Canadian citizens. The Indians of Canada inhabited this country a few decades ago and since, have lost a high percentage of their lands, mineral rights, timber rights, fishing and hunting rights and also have not enjoyed full civil rights.

The government of Canada has set aside reservations for Indians to be segregated, to practise their culture and set down regulations added to federal and provincial laws to be further adhered to, thus restricting our progress as compared to non-Indian Canadian citizens. We believe this assemblage of honourable gentlemen should give our people, union of Ontario Indians of Canada, recognition in voice and finance to carry on our work for our people and our government.

We are dedicated in the welfare of our people, as we are dedicated in the welfare of our country, as the Indian boys and girls have proven by the high ratio of volunteers in the two great wars.

You honourable gentlemen represent a concentrated assembly of Canada's outstanding government leadership. The art of aspirations of a democratic society can be achieved. The prescription can be your recommendation to comply with our briefs and also give financial assistance to our organization to defray the cost of lost wages and travelling on behalf of our people by the officers of our organization. Our loyalty to our country and people will be promoted by your generous considerations to our requests.

Respectfully submitted,

Chief John C. Jones  
Chief Omer Peters  
Chief William Mewasige  
Chief E. P. Garlow  
Chief Telford Adams  
Harry D. Miskokomon  
L. S. Miskokomon  
*Secretary Treasurer*

Following that we have a list of proposed amendments and suggestions for amending the Indian Act.

Mr. Chairman, would you like me to read the complete list?

The VICE-CHAIRMAN: I think it would be preferable to deal with the first section down to the bottom of page 2 and then perhaps ask questions in regard to those 18 suggestions. I think that would be the better way of doing it. Would that be a satisfactory way of doing it? Is that satisfactory to you?

Mr. THOMAS: They are all numbered suggestions, Mr. Chairman.

The VICE-CHAIRMAN: Yes, but I think we should take the first section and deal with it first.

List of proposed amendments and suggestions for improving the Indian Act.

1. That the chief of each respective band be the presiding officer at the council meetings held on his reserve, or in his absence, a chairman be chosen from among the councillors present.

2. That each reservation be given a copy of the treaty covering their own reservation.

3. That band lists be posted up at all times.

4. That Indian councils have the right to admit or reject membership on their respective band lists.

5. That onus of proof before admission or deletion of an illegitimate child to the band shall be with the person involved and with the consent of the band council.

6. That Indians who have become enfranchised be allowed to return to their respective Bands on repayment of band funds received by them on being enfranchised.

I might add, there is a portion that is left out of there which should read "with the consent of the band council".

7. That additional personnel of Indian descent, superintendents, clerks, etc., be added to the staffs in Indian Departmental work.

8. That the committee to be set up shall investigate the particular sections of the Indian Act, where the words, (The Minister May) is not followed or preceded by the words "at the request or with the consent of the council of the band" or where the Minister's authority is in conflict with the terms of any treaty and with proper advice, delete those words, or amend the sections.

9. That the Indian Act should be amended so that a section should be formulated to give such power to the Band council resolutions that adverse criticism or recommendations by the Agency Superintendent shall not have power to nullify such resolutions.

10. That section 15 be deleted from the Indian Act.

Senator HORNER: I would like to ask a question with respect to that section.

The VICE-CHAIRMAN: I think we should continue all the way through, Senator Horner, and then we will ask questions.

Mr. MISKOKOMON:

11. That section 17 be not applied unless first presented to the council of any band in question.

12. That the first six (6) words of section 37 be deleted, (except where this act otherwise provides).

13. That no land shall be taken under this section without the normal legal procedure of a surrender, in accordance with section 35.

14. That with regard to section 72 (g), a full investigation be made on medical and hospitalization services for the Indians of Ontario.

15. That Indians do not have to sign a waiver to vote and that we recommend that all Indians over 21 may vote.

The VICE-CHAIRMAN: That problem has been corrected now.

Mr. MISKOKOMON: We understand that it has, sir.

16. *Section 112*—That section 112 be referred to the band council for any enfranchisement.

17. *Section 15 and 16*—No action shall be taken under these sections without the prior approval of the band council.

Section 15 (1) (a) The department should look into each application for enfranchisement thoroughly before any moneys are paid out of the capital and revenue moneys held by Her Majesty on behalf of the band, and the Indian who becomes enfranchised shall not be paid his or her per capital share unless with the consent of the band council.

18. *Section 15*—That when the parents are enfranchised, no minor children shall be enfranchised until they are 21 years of age, subject to their application for enfranchisement, and unless with the consent of the band council.

Mr. MISKOKOMON: Mr. Chairman, I would again like to apologize, on behalf of the committee, for the way this brief is written. As I stated earlier, it is not written in the most systematic form. I want to apologize for the fact that when our president was taken ill all of his personal files and letters were put into storage in the hospital. During that time we had to submit a brief to this parliamentary committee, as was requested in August of 1959. Therefore, we had no other choice but to go to our secretary and take the minutes that he had written down, and compile this brief from them.

You will notice, gentlemen, that we refer at one time to section 112 and then we jump back to section 15 and section 16. That is what I mean when I say it is not systematic; so I will apologize for our committee for not having a better order.

The VICE-CHAIRMAN: If there are any other members of the delegation want to refer to No. 1 and make any added comments on any of these sections, I will be glad to let you do so before the questioning takes place by members of the committee. Are there any further statements to be made on No. 1, before the questions?

Senator MACDONALD: Mr. Chairman, I wonder if they themselves have any complaints on that No. 1?

The VICE-CHAIRMAN: Apparently they have, or they would not have put this section in the brief, Senator MacDonald.

Chief GARLOW: Some of the chiefs did not have that privilege of presiding officer. I think that refers to this section. I told them at the Six Nations we had, at that time, the presiding officer by that regulation from the governor in council. His Excellency Vincent Massey drew up the regulations, and that is what we have in the Six Nations. I am the presiding officer, unless by a majority vote they have someone else. I might also state this brief was drawn up before that legislation was passed about the franchise. That is correct, that.

The VICE-CHAIRMAN: I understand this is the ruling provided now, that the chief be the presiding officer; so this No. 1 is no longer applicable.

Chief GARLOW: They wanted to give it to the Indians in Sarnia. They have not got that. It seems the Indian agent or the superintendent presides.



The VICE-CHAIRMAN: Mr. Brown, would you like to comment on this?

Mr. L. L. BROWN (*Special Assistant to the Director, Indian Affairs Branch, Department of Citizenship and Immigration*): Yes, Mr. Chairman. There are regulations governing procedure at Indian band council meetings, which were passed in 1953 by order in council. Section 8 reads:

The chief of the band or, with the consent of the majority of the councillors present at the meeting, the superintendent shall be the presiding officer.

That has been law since 1953.

Section 9 reads, in part:

If in the absence of the chief a chairman shall be chosen from among the members present.

The VICE-CHAIRMAN: Mr. Miskokomon?

Mr. MISKOKOMON: Mr. Chairman, I would like to comment on the words just spoken, in reference to section 8, regulations governing the procedure of the Indian band council meetings. This committee knows that too, but at the same time on many reserves those regulations—not only concerning band council meetings, but other regulations pertaining to Indians—are not available to the chiefs and councillors of the various tribes. In installing this first part, it was insisted on by the Indians of the northern bands. I do not believe any of us in the southern reservations have that trouble because we know section 8 on the Indian band council meetings. But, apparently, in some of the northern bands they had trouble, where the Indian agent came in and presided at all council meetings. They did not think it was fair; they did not think it was right; and they still did not have the authority to contradict the Indian agent.

My suggestion, Mr. Chairman, is that if it would be possible or could be made possible that a book could be published similar to that the honourable gentlemen just had, and sent to every chief and secretary and council member of every band, then there is no excuse for ignorance of these sections. As it stands today, we do not have the opportunity of seeing it, because we do not have the particular book on our reserve. I have a copy of it and I am afraid some of the other members of our committee have copies of it; but by and large most of our bands do not have a copy and they have never seen it. It has been brought to the attention of the Indian superintendents that we would like to see those; and there is either the excuse given that they do not have them or they have mislaid them, or they have never heard of them. So, with your approval, Mr. Chairman, I think that would be a very good recommendation to make, if it was possible—and I know it is going to cost a lot of money—for these regulations to be sent out.

The VICE-CHAIRMAN: I am advised by the officials, Mr. Miskokomon, this has been sent to every chief across Canada—about two years ago.

Mr. MISKOKOMON: That is right.

The VICE-CHAIRMAN: So they have got one now, if they did not have them previously.

Mr. MISKOKOMON: I was not referring to the handbook, as published. It is a very good one, and I think it is in simpler terms; but I believe some of us would prefer the other, although it is probably written in more legal language. We would prefer the actual regulations.

Chief GARLOW: I would like to ask Mr. Brown why did the Governor General send me that copy, and the rest did not get it? It tells of the proceedings at council meetings, what the quorum consists of, and that the committee is responsible to the council, and so forth.

The VICE-CHAIRMAN: Is that it?

Chief GARLOW: No, I have one of those. This covers all band councils. I was surprised when I went to them and they did not have a copy of that.

The VICE-CHAIRMAN: I am advised, Chief Garlow, that a copy of the rules and regulations has been sent to the Indian agent. Whether the Indian agent has passed it over to the chief or not, that is something else; but it is available to you on request, or it could be sent out, I presume.

I think Chief Peters had his hand up.

Chief PETERS: Mr. Chairman, I want to comment on this—that the literature or regulations pertaining to band councils should be sent direct to the chief and his secretary. A lot of these regulations may be very important to the band. After all, we are the ones who have to deal with them. Why should they be sent to someone else? If you have regulations for us to work under, they should be sent to us. Also, when you send them to us we are the fellows who have to use these regulations, so put them in a form we can understand. We are not lawyers and we cannot hire a lawyer to interpret your regulations and do our band council business.

The VICE-CHAIRMAN: I think I can assure you that can be done.

Chief PETERS: Thank you.

Chief HILL: I want to make a little comment on that myself. The comment I would wish to make at this time is that, true, perhaps our Indian agents have these regulations. There are a lot of things that they have, but we do not have. That is one of my express wishes, that I should have that book of rules and regulations in my hand, because we feel and, through experience, we find that this literature and these different things that go to the Indian office—I have no doubt in my mind—we should have one. I do stress this point to the honourable gentlemen today, that even though the Indian agent on our reserves has them, we must or should have them also, so that the two parties can get together and so that they have the same ruling to go by. There are a lot of things in the rules and regulations we do not even know are in there. That is the reason why I make this further comment; and that is, that these chiefs and the secretary of each band council should have these rules and regulations in print and sent direct to them from this parliament. If you sent it to the Muncey or Caradoc agency; I think there are some things that we never see. I do not think it should be a point that it should be kept from us. Furthermore, on this item No. 1—

That the chief of each respective band be the presiding officer at the council meetings held on his reserve, or in his absence, a chairman be chosen from among the councillors present.

—we know in Caradoc, which consists of three reserves—Muncey, Chippewa and Oneida—we do not have that trouble. But there are other reserves where we feel the Indian agent—some people call them the “Indian agent”, but, after all, it would be up to the opinion of each individual as to what you think he is—but they overstep this ruling, and there it is. It says right there “the chief of each band.”

I think, right now, this should be recommended to each Indian agent, on each reserve, that he adhere to this ruling. I believe that is a good thing, to tell us what you want, and also tell the Indian agent what he should abide by. Do not let him get off the tracks, but let him stay on them.

CHIEF GARLOW: Would you give me permission to elaborate on that question? As you are aware, you intend to give the Indian the privilege to conduct his own business. That is your object, I think—or it should be. Supposing a man calls for a point of order, the regulations and what procedure to take, and you have not the Indian Act and you have not that document either. We want

to conduct our council in a systematic way; therefore, we demand these regulations. I know it helped me a tremendous lot, because people sometimes get hot under the collar, and we have to take a vote as to whether he speaks or not. It is systematic business, and I think our people need to be educated along those lines, especially now, since we have that franchise. We want to be enlightened and similar to other legislative bodies, the municipalities surrounding the Six Nations reserve. I think we need that, and should have it. We do not know whether we could get it, but you gentlemen could make this proposal to the government, that we would like to have that privilege.

The VICE-CHAIRMAN: Are there any questions on this?

Mr. SMALL: I was listening to the chiefs when they were presenting their proposals. Now they said they have coordinated in the various groups, which is a step in the right direction. It seems to be one of the things that is lacking in the Indian presentation to this committee, that there has not been a body that amalgamated or associated together in presenting their views. Would that not be a task they could look into and easily perform themselves? They have the right and could collect the various tribes and bands themselves, get them together, and start them on the track, starting to look after their own administration. They seem to be intelligent enough to know what they want. If that was left in their hands, to confer with the Indian Affairs Department—Mr. Jones or anyone else in there—that would be in line with educating them on the lines of procedure. There is no reason why they should not have it, and this would be a method of having them informed. This is a matter that they lack knowledge of procedure, the way in which to conduct their meetings. I think that is a task they could very well tackle themselves.

The VICE-CHAIRMAN: Any further questions on No. 1, ladies and gentlemen?

The JOINT CHAIRMAN (*Senator Gladstone*): I want to make a few comments on that. This is one of the most important things that has not been adhered to, simply because the chairman or chief of every tribe does not get the books that he should have in his hands when he conducts a meeting.

We elected a chief about four years ago on our reserve. I do not think that he has shared the meeting more than twice in all that time; but we elected him to be our chief, and he should be the one who is recognized as the chairman. I am giving you an example on our own reserve. As you see, I think that is one of the most important resolutions you could present to this body today.

Senator HORNER: Senator Gladstone, who in the absence of your chief would preside?

The JOINT CHAIRMAN (*Senator Gladstone*): In the absence of the chief the Indian Act says the councillors can elect one.

Senator HORNER: Has that taken place in your case?

The JOINT CHAIRMAN (*Senator Gladstone*): No.

Senator HORNER: But I understand, from these gentlemen, that in some cases the Indian agent has been presiding.

The JOINT CHAIRMAN (*Senator Gladstone*): In a lot of cases he is there all the time.

Senator HORNER: But he should never preside at a meeting, as chairman?

The JOINT CHAIRMAN (*Senator Gladstone*): I am sorry to say the Indian agent has acted as chairman more times than not.

Senator HORNER: I beg your pardon?

The JOINT CHAIRMAN (*Senator Gladstone*): I have found, wherever I have gone, that the Indian agent is presiding at one of their meetings.

Senator SMITH (*Kamloops*): Is the committee to conclude that in some cases the agent imposes himself, beyond being helpful and filling the gap that



is probably vacant, but there is not then the personnel there capable of taking hold of things and carrying on. Is it not a function of the Indian agent to help in such a situation as that? I have attended band council meetings on the reserve. I think, if there are personnel capable of sitting in and taking care of it—I find that is done, from observation. But when they need help there is help there available to them. Am I wrong in that conclusion.

The JOINT CHAIRMAN (*Senator Gladstone*): I believe, sir, the lack of the book they are asking for—so that they themselves can study it and go by it—is what they are complaining of.

The VICE-CHAIRMAN: I wonder if it is sometimes at the request of the council members that the superintendent acts as chairman—in some cases, Senator Gladstone?

The JOINT CHAIRMAN (*Senator Gladstone*): Our reserve is being run on what they call the old system. They call it "the old system," but it is a system that the regulations have made with the Indians. When they elect councillors for their life, then the Indian agent, representing the government is the responsible person to conduct the meeting. But where the elective system is followed, then the elected bodies are the ones representing the people, and they should conduct the meeting. Where they are elected for life, the councillors, they feel their duty is to obey the agent rather than the people they have been elected to represent.

Chief PETERS: I would like to speak on that one question, because it seems to give the committee here the impression that maybe the agent is being very sympathetic when he takes over the position of chairman. I would like to tell you, in all fairness, that some of the superintendents we have are good. We have them classified as good or bad. Some of them are very undemocratic in their way of doing business, and if they can pull anything off, and bluff, they will go ahead and do it. For about 25 years we were fighting to get an agent off our reserve. We could not get anywhere with the Indian Department; that is their representative, and he can do what he likes.

Further on I am going to speak on the criticism and recommendation of Indian superintendents towards band resolutions. These superintendents have been given a certain amount of power and authority. Not one, but in the majority of cases—and like I said, there is good and bad—if they figure a fellow is not too backward to speak up and talk for his rights, he cannot, because he does not know his rights, and he has not had these regulations. Therefore, the superintendent can impose anything on the council. I think that is where the trouble is. That is why we want to organize Ontario. We are not too far from here, and we have an idea of the regulations, and we can pass it on. We have members from further north, and they carry word back, and it travels pretty fast. Once it can be established that the superintendent is not the presiding officer but that the chief is, then I think that would be all settled quite well.

Mr. MISKOKOMON: I would like to deviate from that a trifle, to give an instance at our agency, because this ignores the fact of these 15 odd regulations that are established under the Indian Act, that we do not have, and that possibly the Indian agent himself sometimes does not have the time to read them fully and understand them fully. We have, in this particular case that I am stressing, the regulations pertaining to estates. We have had an instance where a family has been wiped out, both the mother and father have been killed, leaving little children. As this is shortly after the war, this person being a veteran had many new things in his home which he had bought from his veterans grants, etcetera. Unfortunately, these two people have been killed. The children were taken care of immediately by the department. That was



very nice. But his house stayed idle. After a period of time the department went in and moved all the furniture and personal belongings out of the house and installed them in a barn. A couple of years later these personal possessions had walked away or deteriorated. I had seen them sitting in the barn with an open door. I questioned our superintendent on this. I said to him that there must be some place that there are regulations about such things when a person dies. I said to him that there must be some place where that person's property could be looked after better than it is. He told me that that is strictly an administrative matter for the Indian affairs branch at Ottawa. I went along with that. I did not think it was right, but I didn't know enough; we were in ignorance of the regulations. When I did get the regulations I went through them and in section 4(2) I found that the Indian agent was wrong. He said that he was not responsible for the personal property. According to regulation 4(2) he is. We did not know better, but now we do. That is why I want to stress not only the band council regulations but also all regulations.

Chief GARLOW: May I be permitted to say a few words on this.

The VICE-CHAIRMAN: Yes.

Chief GARLOW: It was mentioned that there is good and bad; we know that. We know that we do not all think alike and that is why we have jail houses to control the bad people. The Indian agent is all right in his place. I remember when we were revising this act the question came up "we will get away from the Indian agent". I said "You cannot do that". They said "Why". I said "First of all, you have treaties". They said "Yes". I said "The governor general represents us and he cannot be here; the minister represents the government and he cannot be here, so they have to have a representative to take down notes and negotiate with the department." I am going to tell you of an experience. Some years ago the council passed a resolution to purchase a projector. The superintendent said it would cost too much. He said "I know a friend who has one at about half that price." He insisted we could not buy that because we were spending too much money. I said "It is our money and we want something good, not something used". As you know we do not get a subsidy on used stuff; it has to be new. The resolution was passed that we would purchase this. Do you know what happened? We kept asking, "Are we going to get it?". He kept telling us "There is no word yet". I had to come down here and when I was here I had a talk with the honourable Mr. Harris. He sat back in his chair and said "Chief Garlow, have you anything else you would like to bring up". I said "What about this resolution of ours to buy a projector?" He said "What is that?" I told him. I went back. I was late getting to the Indian office and on the way I was told "The superintendent is pretty mad". I said "Why". I was told it was because I had brought up the matter of the projector. At the council meeting the superintendent got up and said "I am sorry what happened; that resolution got mislaid with some documents, but I have sent it down now." So you see that can happen. As I said before they are all right in their place. We have to have them to negotiate with the government here.

The VICE-CHAIRMAN: Are there any further questions on No. 1?  
No. 2?

Mr. KORCHINSKI: Do you mean in this case that the treaties be sent to the chiefs and the councillors? What do you mean specifically by this?

Chief GARLOW: I know that some years ago we discussed the treaties and they said "We have the treaties if you want copies".

Mr. KORCHINSKI: Who should they be sent to?

Chief GARLOW: We have a secretary for the documents. He takes the documents and keeps a record.

Chief HILL: On item No. 2 I am going to dwell a bit on my own reservation at Caradoc, known as the Oneidas of the Thames. Back in 1840 there was a deed. I have it here. If you will bear with me I will read it and then come back to item No. 2. This deals with that:

Province of Canada, Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland;

—Queen defender of the Faith—To all to whom these presents shall come;—

Greeting.

Whereas,—in the year of our Lord, one thousand eight hundred and forty, certain Indians of the Oneida tribe to the number of four hundred and thirty-six persons, having a purpose and desire to become subjects of the British crown, did emigrate from the United States of America, and become inhabitants of the township of Delaware, in the county of Middlesex, in the western section of our province of Canada; and did this with the instrumentality of the officers of the Indian department, purchase with monies provided by themselves, the said Oneida Indians from certain individuals various lands in the said township of Delaware, to the extent of five thousand four hundred acres, and of which the greater part have by deeds and conveyances made to us, our heirs and successors in trust to and for the sole use and benefit of the said Oneida Indians and their children and their descendants in all time to come, become vested in us, our heirs and successors in trust as aforesaid.

And whereas,—Under permission of an order of our executive council, a sale in the year of our Lord, one thousand eight hundred and forty-six was made for the benefit and advantage of the said Indians by our commissioners of crown lands, of certain clergy reserve land, consisting of lot numbers twenty and twenty-three in Con. D., in the aforesaid township of Delaware, containing by admeasurements four hundred acres, and for which payment in full has been duly made by commissioners of crown lands.

Now know ye, that we, for the purpose of assuring perpetuity to the said Oneida Indians and their children and descendants, in all time to come the full enjoyment, advantages and benefits of the said lot numbers twenty and twenty-three in Con. D., in the said township of Delaware, do by these presents declare that we hold the said land being lots twenty and twenty-three, aforesaid, in trust to and for the sole use and benefit of the said Indians now known as the Oneidas of the Thames river.

Given under the great seal of  
our province of Canada,

Witneseth:—Our trusty and well beloved;

Sir John Michel, K.C.B. administrator  
of the government of the  
province of Canada,

Lieutenant General commanding our forces therein.

Dated at Ottawa, this eighth day of March, in the year of our Lord one thousand eight hundred and sixty-seven, and in the thirtieth year of our reign.

By command of His Excellency in Council.

(Ref. #3620) H. Russell.

(Sale #3820) Asst. commissioner of crown lands.

J.L.

E. Parent,            G. Varnur.  
Assist.  
Secretary.            Assistant Secretary.

Grant to the Oneidas of river Thames, 400 acres.  
Township of Delaware, county of Middlesex.  
Recorded, 4th of April, 1867. Lib. D.X., Folio 341.  
Lumbeine.  
Deputy registrar.

Now, on item No. 2, in the handbook which I have it mentions reserve lands. This is at page 3:

On many reserves parcels of land are held by individual members of the band. Possession of such land is allotted by the council of the band with the approval of the minister.

We have had considerable understanding there with our agent Mr. McCracken; that is pertaining to land title. We feel that the Oneidas of the Thames purchased from the government with our own monies, as written there in the title, and yet if I sold ten acres of my holdings to another Indian on the same reserve the Indian branch does not recognize that. The Indian branch now does not recognize any land deal between one person and another on their own Indian reserve, in that they want to establish what we call the location ticket or certificate of ownership. I, as a chief of the Oneidas council oppose that very very much, in that we feel that after we have purchased this land from the government they in turn want to come back and administer that land. If I deal with another Indian I gave him a quitclaim deed when he buys ten acres from me, but the department will not recognize that as a legal document. Here it says:

—parcels of land are held by individual members of the band. Possession of such land is allotted by the council of the band with the approval of the minister.

As a council we approve of these land sales and when it comes to the Indian agent the resolution never gets to the proper place. On top of that in our last two or three councils we have had occasions where the welfare housing for the needy people is cut off. You have to have a certificate of possession issued by the department of Indian affairs before they will build you the house. We feel, when the band council passes a resolution and recommends to the Indian department, that the Indian department should abide by this. Otherwise what is the use of having a council if the agent is going to come in and administer this property. It has been said there is a feeling that the Indian should do his own administering, and yet on the other hand we have this situation.

We have people who were burned out last spring. When the United Church first established on the reserve they wanted a parcel of land for their church and manse. We gave them the land and the agreement said that when they no longer required this land it would automatically come back to the band. When the United Church of Canada decided to move they moved off the reserve to the village of Muncey because they felt they wanted the things which were available there, such as water and everything else. Automatically this Oneida band land came back into our possession. On this Church land stood the old manse of the United Church. The janitor of the United church did not have a home and the council agreed that he could use the manse. The United church people thought that was a good idea. They rented it to him. After he paid his rent for some time, the United church came back and said if you would like to buy this house we will sell it to you and all



your rent would go towards the payment. So after a few weeks he came to the council and asked if the council felt he could buy that land which the United church had vacated. He said if he could buy the land he would buy the house so that he would not have to move. The band council met and said "Sure, you can have this land—3½ acres". We sent the fence viewers down to measure the land. They reported back to us the number of acres. The council in turn met with the man who was going to buy it and we made an agreement for the sale of this land so that the house would not be moved. When we made this agreement he gave us a down payment. When he finished the payment we would give him a title from the band council to that property. When he came back to give the final payment, it ended up that the agent told me "Chief Hill, this land transaction you are carrying out is illegal". He said in order for this person to purchase this band land with the house on it that to make it legal they must buy it from the department of Indian affairs. I, as the chief of the Oneidas, was opposed to that very much. Unfortunately, in a few weeks this house burned right to the ground. Some of the people who were there went to the Indian agent and said "Let us call the fire department". He said "No; somebody will have to be responsible for the payment of the fire department if we call them here". The people frantically ran up to the house of the mounted police and the mounted police were instrumental in getting the fire department down, but it was too late. Then after this house burned down and the neighbours took the people in and one thing and another and the party who lost this house had paid in the neighbourhood of \$800 on it, the United church collected the insurance on it as it was still in their name and these people got nothing. They went to the agent for welfare in the circumstances. They said we have some lumber and will the agent go along with us in getting a new home. The agent said "I am sorry to say that the land you have in your possession is illegally bought and so far as the welfare department in Ottawa is concerned you are not going to get any assistance until you go back and try to recover your money from the band council, and then when you send it to the department of Indian affairs they will give you legal title to the land". He came back to me and said "Chief, we need assistance and cannot get it".

Senator HORNER: Would Mr. Brown care to comment on that.

Mr. L. L. BROWN, (*Special Assistant to the Director of Indian Affairs Branch*): I do not know the circumstances of the case.

Senator HORNER: But you know the principles on which they would refuse to allow this.

Mr. BROWN: I can comment on the earlier part of this matter of transferring property, which is at the bottom of the whole thing.

Mr. THOMAS: I wonder if Chief Hill has finished his statement.

Chief HILL: When the council met again the agent came up and I said, "Did you tell these people you could not give them any assistance in the way of welfare housing". He said "Yes". So I said to the agent "If you feel that I as the chief of the Oneidas sold this land illegally tomorrow I want you to go to the nearest city and issue a warrant against me for misappropriating government funds". He said the government had the right to sell it, that the department of Indian affairs were to receive this money and the council got it instead. I gave him that direction to go immediately to the nearest city and swear out a warrant for my arrest. So far nothing has been done about it.

I am here today, gentlemen, in the hope that this might be cleared up somehow so that this man and wife and friend and 11 small children who are living in two tarpaper shacks may have some help. One of these tarpaper shacks has no floor at all and the other has a floor. If this condition is not



corrected immediately we will find these people living in these tarpaper shacks this coming winter. There are two shacks, the children in one and the adults in the other.

The VICE-CHAIRMAN: I am sorry to stop you now, but we will have to stop and meet again this afternoon at 2:30. Is that agreeable?

Agreed.

The VICE-CHAIRMAN: We will meet in this same room at 2:30 this afternoon.

## AFTERNOON SESSION

THURSDAY, June 23, 1960.

The VICE-CHAIRMAN: Order, please, ladies and gentlemen. We can get started now. We were on No. 2, on the first page actually of the brief. Were there any further remarks you wanted to make on this, Chief Hill?

Chief HILL: Yes.

The VICE-CHAIRMAN: You were just about completed?

Chief HILL: Yes.

The VICE-CHAIRMAN: All right.

Chief HILL: Mr. Chairman, hon. members, and ladies and gentlemen: I thought perhaps I might enlarge a little bit more on this. I thought perhaps you could help along the line so that we might get some definite answers where these regulations exist.

We of the Oneidas are told by our superintendent that under the present system of this government, no more welfare housing is forthcoming unless we first submit a certificate of possession with the Department of Indian Affairs.

The department in recent months has been very active in the establishment at Oneida. That is the reason I bring up this question. We fail to see where this question comes up, and when they appropriate this money for welfare housing, is there a clause which stipulates that welfare housing has conditions attached to it which the Indian must fulfill before he has this house built for him?

I thought perhaps Mr. Jones might comment on it and answer the question for me.

The VICE-CHAIRMAN: Colonel Jones will be back in a few moments.

Chief HILL: As I said before concerning this question of welfare housing, the government gives us an ultimatum that we must submit a certificate of possession before the welfare house can be built. I say it has to be done right away, because I pointed out a case where there were eleven children and three adults living in a tarpaper shack.

The VICE-CHAIRMAN: Could it be that some of the transfer of location tickets from one Indian to another are not submitted to the government for the records? In order to keep a record they must have these location tickets. Are you saying that you should make these deals yourself without going to the department?

Chief HILL: No. As a band council we may have a land transaction which is approved by the band council and they do not approve of it in Ottawa. If Harry bought ten acres from me, that comes before the band council, and if the band council approves the sale our resolution reads that a certain piece of land formerly owned by me is transferred to Harry Miskokomon. When that comes to the department it is not approved. We recommend this and state that

it is true and that the person who sells the land is the rightful owner, and when it is sold to another person it is transferred to that person's name.

The VICE-CHAIRMAN: Do you think the agent is frowning upon this?

Chief HILL: That is what we want to know. In order to have the welfare the property must be in the person's name.

The VICE-CHAIRMAN: Mr. Jones, what the chief is worried about is the resolution they pass in the council in respect of a land transfer which is forwarded to Ottawa. They say apparently the department turns it down. They say they have to have it before they can get welfare housing built on their property. He gave the example of this family with 11 children living in tarpaper shacks, and they want this cleared up as quickly as possible.

Mr. JONES: Could I read a statement into the record on this?

The VICE-CHAIRMAN: Does the committee agree that Colonel Jones read a statement into the record on this matter?

Some Hon. MEMBERS: Agreed.

Mr. JONES:

#### *Individual Holdings on Oneida Reserve*

Sections 20 to 29 inclusive of the Indian Act provide for the establishment of a registry system governing individual land holdings on reserves, whereby Indians following an allotting resolution by the band council and with the approval of the department, may be registered as having the right to possess a particular parcel of land.

The Oneidas of the Thames have up until recent years resisted all suggestions that this system provided by the act be introduced on their reserve. Despite the fact that they have not followed the statutory system, they have recognized ownership and the successive councils have permitted individual members to make quit claim deeds between themselves, which we believe were supposed to be approved by and recorded with the council.

This situation has caused the administration a great deal of difficulty, not only in attempting to administer estates, but in any situation where the question of individual land title arose, as for instance, where a hydro power line crossed the reserve, etc.

Quite apart from the difficulty of securing copies of these quit claim deeds from one individual to another individual, which had never been registered with the department, there existed the difficulty that in the majority of cases the description of the land in the deed was so inadequate that it was often not possible to even accurately identify the land in which the lot was situated. All too often the descriptions referred to landmarks which have disappeared over the years. Coupled with this difficulty was the further one that the Indians generally refused to permit surveys to be made to identify the parcels.

In the hope that the attitude of the band councils might be modified if they properly understood the objectives of the branch and the benefits to themselves that would accrue from proper descriptions and record of land ownership, officials from Ottawa, in addition to the local superintendent, have appeared before the band council and attempted to clarify matters for them. Included among these officials was the administrator of estates.

In each case it was thought that progress had been made and that the views and objectives of the branch were understood and were in process of being accepted. However, up to now, while there are indications of a changing attitude on the part of the Oneidas, there has been no material change in the situation.

Chief HILL: Does that mean then that these families that we know, and the council at Oneida recommends to the department of Indian affairs for assistance in the building of welfare houses, would obtain such assistance?

Am I given to understand that these people living in these tarpaper shacks at the present time will remain that way, on that one account?

Senator HORNER: I would not think so, from the explanation of Colonel Jones.

I would think that if you assisted the department and agreed to proper markings of your allocation of land, there is nothing to prevent you from going on. I would think that was the case from the remarks of Colonel Jones.

Chief HILL: My question is this: that we do not submit to these ultimatums, and my question is this: will these people continue to live in these tarpaper shacks?

The VICE-CHAIRMAN: I think you can appreciate why the department has to keep a record of the land transactions. It is done in order that estates might be settled, as long as estates are to be settled by the departmental officials free of cost to you; and as long as that is done, they have to have a record of these land deals; and in order to have such a record they must have these land deals with a proper description of the land.

Of course, if they have to go back for a great many years in the matter of estates to ascertain how many of these people got little, they will find that a lot of these land deals have not been registered with the department, so that they are not sure of who owns what. So I assume it will take quite a little while to get into it and straighten things out.

Mr. SMALL: This morning you read about a grant of land, or about a land title.

The VICE-CHAIRMAN: Yes.

Mr. SMALL: It was set out under a statute which gave a description of the land which you were to receive. That was a proper conveyance and was registered for future reference, should the land be disposed of in the case of a purchase.

Obviously if a man purchases a piece of property on which to build a home, his lawyer will have to look into it and search the title to make sure that the piece of land he is buying is the one he is paying for, and that there are encumbrances or intrusions on it which would interfere with the title; and he cannot get a piece of land on which to begin to build until his title is cleared.

This is done to protect the buyer. But in your case there might be a quit claim deed to the land which would not show who the purchaser was. But all these things are done for your protection.

I can understand that there might be suspicion of things which have passed on down through the centuries, but they are not done to defraud you. On the contrary they are done to protect you in the rights to the land you own.

The piece of property which you might purchase would be recorded in the registry office as being yours, and it would show you owned it before, and it could be traced right back; and it could not be sold until they had a proper title.

People who are lending money, whether they are a private concern or the government, must make sure that you have a proper title or deed to the property. Otherwise you do not get any loan. Indians as well as non-Indians have to conform to these rules.

Chief HILL: I still do not see why. You are talking now about something which is outside the reserve.

Mr. SMALL: It is done for your own protection. You must know what you are buying and what you are paying your money for.

You told us this morning that there was no proper record kept, but just an agreement made between you and another gentleman by word of mouth. But that is not good enough in the eyes of the law.

Chief HILL: It was done by a resolution which was passed by the Oneida Band council.

Mr. SMALL: Yes, but they did not put a description of the land in the agreement; it all goes back to the fact that these things must be very carefully done. They are very intricate and involved. And the system for transferring land is established for everybody's good.

Mr. WRATTEN: How is this land proportioned out? How do the Indians start off with it? Do they inherit this land from their forefathers?

The VICE-CHAIRMAN: Surely.

Mr. WRATTEN: Is there a proper description of the land so that they may know where their land is?

The VICE-CHAIRMAN: The allocation ticket gives the proper description of the land, but they do not do that with lands of the band.

Mr. JONES: Yes, that is what we are trying to bring in.

Mr. WRATTEN: Was the land ever vested in these people in the first place? Or did they get title to it?

Mr. JONES: Under the old act there was a location ticket system, but now it is a certificate of possession, which is allotted by the band council with the approval of the minister.

Mr. WRATTEN: Do they get a deed to their property the same as you and I would, off the reserve?

Mr. JONES: I signed about 25 of them just before I came over here today; it was for a reserve in Ontario, and it was on behalf of the minister. There is a location described on the parchment, which allocates to John Doe of a certain band of Indians a certain parcel of land; that is described; and that is his title.

Mr. WRATTEN: Can he not hand it down from generation to generation?

Mr. JONES: Yes, it can become part of his estate, or he could sell it, or will it; and the property is described so that we can identify it in our records.

Mr. WRATTEN: He can sell a parcel of that land?

Mr. JONES: Oh yes.

Mr. WRATTEN: Provided that he gets permission from the band, or something like that; or does he have to have permission?

Mr. JONES: He could sell that land to another member of the band, or to the council.

Mr. WRATTEN: With permission from the council?

Mr. JONES: I think you need the approval of the minister.

Senator HORNER: In a case of this character, would the function of the department be similar to that of a registry office?

Mr. JONES: Yes.

Senator HORNER: You said that the registry offices have not cooperated with these registrations, so that now you do not have a record of the transfers which have taken place?

Mr. JONES: That is right, and all the records are just a hodgepodge.

Senator HORNER: And you would be interested to assist them in straightening out the whole question?

Mr. JONES: Yes; and we have sent different officials up there in the hope that maybe our point of view has not been expressed as well as it might have



been. For instance, we sent Mr. Pennington, the administrator of estates, who has more to do with that type of work than any other official.

Once again I beseech the chief to have patience with us, because nothing but good can come of it. The result would be that we would have your land records placed in excellent shape, and it would prove who owns what, and a certificate would be issued to every person who owned land, and every transaction would be recorded, where now everything is a mess.

Senator HORNER: That would greatly facilitate the welfare housing?

Mr. JONES: It would facilitate everything, and particularly the settlement of estates.

Senator HORNER: Yes.

Mr. THOMAS: There is one point in connection with the Oneida reserve which may be unique. And if you followed closely the reading of that land document this morning, while that document itself referred to lots 20 and 23 in a certain concession, the intimation was carried in the formal part of the document that the Oneida band had paid for this land themselves. It is held by the government in trust for the Oneida band, and it was purchased by money supplied by the band.

In talking to members of the Oneida band I feel that they are in a unique position; and if they purchased the land themselves and put up the money and bought it when they first came to the country, it was not a gift from someone, because they actually put up the money to buy the land. Therefore they feel now that they should have the right to administer their land—that block of land—solely and without interference on the part of the government. Am I right there?

Chief HILL: That is true.

Mr. THOMAS: And now as far as I am concerned it appears to me from the explanation given by the director, Colonel Jones, that all the department is seeking to do is this: they are not trying to interfere in any way with the land rights or titles, as practised by the Oneidas on their reserve; all they are asking for is that the Oneida council will keep the department informed in some practical way.

The department has mentioned a way which to them seems to be practical and effective, so that the transactions which are made by the band council in the way of transfers from one member of the band to another shall be properly recorded, and that the descriptions of the property shall be set out in such a way that the individuals concerned, and the band council, and the department may know what particular piece of property is referred to in every title.

The VICE-CHAIRMAN: Do I assume, Chief Hill, that this land was apart from their original reserve, or is this in your reserve?

Chief HILL: This is the entire reserve. You see, gentlemen, in 1934, Mr. Duncan C. Scott the then superintendent general of Indian affairs made a declaration to the effect that when the Oneida band accepted the Indian Act they were still under the old system at the time, and he said that—and there was also a declaration from Mr. More who was the superintendent of our agency at the time, and we got a copy of it from Mr. More, while he kept one in his office at Muncey in 1934—Mr. Scott made a declaration that if the Oneidas of the time disregarded the whole system of chief and councillors, and chose the elected way of selecting their chief and councillors, then he made the declaration that the land titles and deed which were originally held would remain the same, no matter how we carried on our business.

That is a point that we, of the Oneidas, feel that if these declarations are made by the superintendent general of Indian affairs, then there should be some reason why they should live up to them and keep it that way.

The point is this: are declarations made just so that the Department of Indian Affairs may become involved in these matters and later on disregard those declarations? That is the big question. If we did not have those declarations from Mr. Duncan C. Scott, perhaps we could have got away and have those certificates of possession years ago.

But these declarations have been made to us and if you accept them, then we say that the titles and everything else still remain the same as they were previously, that is, as they were done under the old system.

The big question is this: does that declaration still stand? That is the question we would like someone to answer.

Senator HORNER: It would be a question of some recording, or some registration. Someone would have to keep track of the registrations all the way down, of each transfer.

Chief HILL: We have it in our council records; and if it is a question of land ownership, and if it is to be run by the Department of Indian Affairs, then what do you have a council for? The officials of the Department of Indian Affairs come to us and say: "We think it is about time that you ran your own business." So it is confusing.

The VICE-CHAIRMAN: It was done essentially to help you and your people, Chief Hill, because apparently while you have records which are kept on your reserve, they might not stand up in a court of law. So that is why the Indian branch cannot look after your estates, because they are stymied.

Chief HILL: Recently Mr. Morris, our regional supervisor, from Toronto was present at our school opening, and Mr. Adams was there, and Mr. Morris came to him and he said: "There is one thing which would please me very much and which would please the department very much, and it is that if you went ahead and tried your very best to establish certificate of ownership of the Oneidas."

And at that time we had a talk about it, and in the end, when Mr. Morris had to leave, he said "If you people are satisfied, then why does the Department of Indian Affairs worry? They are satisfied with the way you are carrying on."

We fail to see why these ultimatums should come to us if the department is satisfied.

Mr. THOMAS: I thought that question was asked of Colonel Jones when he was out of the room. I think it is probably a good question. It was implied that the department may be using the withholding of a house in this particular case in order to force the Indians to accept the certificate of title method of registering their land.

Chief Hill was protesting the use of this principle in connection with these people having a new house. It involves a piece of property which was transferred from the United church; it was a parsonage and it was transferred back to the band, and the band then sold it to an individual. Then the house burned down, and the United church collected the insurance.

But having purchased the house, and having made a payment of \$800 on it, those people now have to live in two disreputable shacks. So they have made application for a welfare house; but their application for a welfare house has been refused because they understand the department will not supply a welfare house until the band are willing to accept the certificate of title principle in connection with this particular piece of property.

Colonel JONES: I can only give a general answer to that. I think there was no intimidation in any way in the matter of welfare houses. I think we all realize they are necessary, and certainly I cannot think, without checking, that there would be an ultimatum delivered in this particular case. But I would have to look into it and to study the background.

You must realize that the department has to be careful if it is providing two, three, or four thousand dollars for a building, when the moment that the structure is built the department has no control over it, or to see that it is going to the person who would own the piece of land. We have to have some supervision over welfare houses, so called, but I think in your case, and in most cases, we rely a lot on the advice of the council as to who gets the welfare house.

It may be that the Oneidas financed it out of their band funds. But I would have to look into it, because I cannot give the answer right off.

The VICE-CHAIRMAN: I assure you that Colonel Jones will look into the matter now and get some answer for you, Chief Hill.

Chief HILL: That is one of the things I wanted to know very much, that is to say, how these welfare houses are allotted, and who is to have them. Is there anything specified? Is it specified that you have to have a certificate of possession?

The VICE-CHAIRMAN: Surely.

Mr. JONES: It specifies that the welfare house must go to somebody who is certain of possession. There again it is working with the council. If somebody were to go to the department and say that he would like to have a welfare house, I think the department would say, very well, we are prepared to do so provided you give a piece of land for the house to be built on. You will have to build that house on the same piece of land. If it is for an individual, there should be a recognized allotment.

Mr. WRATTEN: You would not build a house on a piece of land until you had registered the deed for it, would you?

The VICE-CHAIRMAN: Unless it is a certificate of possession instead of a deed.

Mr. WRATTEN: The government would be stupid to go in and build a house indiscriminately without having the deed for the property.

Mr. JONES: We try to regularize it as much as we can; and with most of the councils which allot pieces of property for the so-called welfare houses, we find that it seems to be working all right.

Chief PETERS: Thank you very much, but in all this discussion there is one point which you have overlooked. Mr. Hill has put up quite a fight all by himself, but there is only one question in the whole argument he has made.

We are under the allocation ticket system, and we have put a different interpretation on what that allocation ticket means.

When we went down to the convention at Oshawa we met the Indian agents. They sat on one side of the table while we sat on the other. Mr. Jones was there and all the officials of his department, and they gave us their interpretation of the Indian Act so far as allocation tickets went, and they said it was the same as a deed.

But afterwards, after another 10 or 15 years we find out that it is crown land and we definitely do not have full ownership of that land because it is vested in the crown. Now, the Oneidas have bought their own land, and they have full ownership of it, because they paid their money for it. So I think that the question which is raised here is simply this: that after they have bought and paid for their own land, then if you put a certificate of possession on that land, you are going to vest it in the crown, and it will be the same as where we are. There is a question there, and I think that is what is worrying him.

There is a lot of distrust being built up by the Indians themselves without cause. We deal with the province under this new welfare scheme, and there is a different set-up there, because when you are dealing with those men, they come right out and talk, and we can do business with them.



We went down to Oshawa when we were invited, to the conference, and they sat across the table from the Indians. They stayed on their own side of the table while the Indians stayed on the other side, and they were not allowed to say anything. But we could say all we wanted to say. Then, after it was over, they closed the door, and they had a private session.

We did not think that was right. That is not the way to build up co-operation or trust, or anything like that. And I have never forgotten it. I was not in the council at the time, but I was a delegate from our band to attend the meeting, and that is the report I brought back. I said that as far as I was concerned it was not worth a damn, because when they closed the door, they undid everything right there. On top of that, you talk about your discrimination and segregation and everything like that. We were on the lower floor with radios and all the superintendents were on the next floor with televisions. Now, I am telling you, you talk about equal rights, but it has got to start from the top. You just cannot start and say, "we want the Indians to cooperate". In our band we have never objected to cooperating.

While I am on this subject, I would like to say that anybody who has got guts enough to stand up and speak for the Indian bands here is black-marked up in the department here. They have a record of everyone who dares to speak up for his own band. That is one of the things I have known since 1950 and I have never forgotten it. I am speaking of when the delegation went down. It was around 1950 that we went to Oshawa. They called all the bands. I do not know if I have the date right or not. After the meeting we could not say anything to the papers at all. You talk about ultimatums and everything like that, but they figured maybe nothing would come out of it if we said anything; but when we go there we figure we are working for the benefit of our people. If we are going to say something, somebody is going to hear, but our people were naturally not going to say anything. I believe in the democratic principle in this country. and I believe a fellow has the right to say what he thinks. I got this button on my coat through the same principle. That is why I say what I think. I am not a rich man; I am a labourer. I took time off to come up here and do the band business hoping that it would help somebody else on these Indian reservations. I do not even get paid for my time off work. The department refused to pay us. At the same time, they wanted us to come down. They figured we could help out, and that is why we are here.

I would like you to understand some of the treatment we have received, and this is just one example of where we get our suspicious nature, and the reason why the Indian is considered so unreasonable. There is a reason for every one of these things. I can cite case after case after case. I do not know how the Indians make out at all in the northern part where some of them have difficulty in trying to express themselves; but us down here, we have been separated for years. This is the first time we have ever got together as the Six Nations bands and all these other bands. We have found out things from these different reservations. They are not the same. They use the reserves in a different way.

We have an Indian superintendent at our reserve there. He has been there for two years and he is walking on a tightrope. If it was possible he would not be there very long. He has done a lot for that band in the two years he has been there. He has done more for that band than every other superintendent for the past 20 years has done. I am not afraid to say that, but you can go there and see the work that he has done.

The VICE-CHAIRMAN: Thank you Chief Peters.

Colonel Jones, would you like to make a statement regarding what Chief Peters has had to say?



Mr. JONES: I would like to say in regard to the meeting in Oshawa that it was held in 1955. This was one meeting of 17 held across the country. This was a new approach that we thought would be useful. We felt that we would go to various locations across Canada and meet with the Indians who had been selected by the Indian bands themselves. We thought we could sit down for one or two days and discuss their problems with them. The Indian agents were invited to come, but they were purposely put on the sidelines. This was not an Indian agent's show, it was the Indians meeting. That was our thinking at the time. We felt that we could learn a lot as a result of these meetings, and we hoped that the Indians would learn a lot. At the conclusion of every conference from Prince Rupert to Amherst in Nova Scotia we held an Indian agents conference for administrative reasons. After all, we had brought them all in, and we thought it was a good time for administration discussions. Chief Garlow was there.

The purpose of these meetings was to have the Indians do all the talking with head office officials who had come for that purpose. The Indian agents were purposely asked not to speak unless they were asked to. This was not an Indian agents meeting, they were there as listeners.

I hope we were not wrong in our approach, but we did think it was something new for the officials in head office to go to the Indians. I, as director, learned a lot from those meetings.

Chief PETERS: We still have the feeling we had after that meeting, and whether it was an administrative meeting that you held with your agents or not, since the idea of this whole Indian affairs branch is to get the Indians used to handling their own affairs, I do not see how you can figure that there would be anything else but suspicion after you suddenly closed the doors on the Indians and said "you cannot come in here". If you do that, then anybody is going to think that by closing the doors you must be trying to hide something. If you had nothing to hide we could have sat there around the room the same as the superintendents and agents sat around us. Maybe in that way it would have solved a lot of our problems. We have got that same idea in our heads and we think that way. If somebody had explained it to us, we are not so dumb that we would not be able to understand it. We are dumb enough that when you closed the door we became suspicious. I am awfully sorry if we got the wrong impression, but I do not know any people in here who would not get the same expression if he closed this meeting down now and said that we had to go and you held a little talk on your own. We would be suspicious right away. You must have something to hide or you would not want to keep us out. That is the same feeling that we have.

Mr. KORCHINSKI: I would like to ask Colonel Jones a question in regard to something that was raised here earlier.

If this property was surveyed, and if Chief Hill would submit to having these records brought up to date, would the properties still be vested in the crown as was mentioned here? Would you clarify this question?

Mr. JONES: I think the Chairman could probably clarify this as well as I can. The land is held by the crown in the name of Her Majesty in trust for the Indians. Within the limitations of the crown trust there is certainly a title. That land cannot be sold so long as it stays within the band.

Mr. KORCHINSKI: That is somewhat different to the case where they had purchased this property themselves originally. It would not be reservation then, would it?

Mr. JONES: Yes, I realize that, but probably the title is still held in trust in Her Majesty's name for the Oneidas.

Mr. THOMAS: Mr. Chairman, this difficulty may have arisen from something I said which may have led some of the members to believe that this land was not held in trust by Her Majesty. My understanding is that the land is held in trust by Her Majesty but was purchased with band funds, possibly.

The VICE-CHAIRMAN: Yes, but I must point out here to Chief Hill, and I hope he realizes my reason for doing so as I would like him to understand, that this is done for the benefit of his people. Someone could come along and sell that land, if they had the title to it. Someone could sell that land to a white man outside. You have the deeds to your property the same as we have. You can sell that land to a white outsider. If this happens, the first thing you know you will not have any reservation left. I think that is the basis upon which this whole situation is operated. This is done in an attempt to preserve your reservations for Indian people in your bands and tribes. No white man can come in and purchase land on your reservations.

Chief TELFORD ADAMS (*Sarnia Reserve, Chippewa*): In 1827, the band settled at Cattle Point and Stoney Point. They came under indenture to the British crown. They reserved four places named Stoney Point, Cattle Point, Sarnia and Sandwich, and it shows in our indenture that these lands were reserved for us exclusively. These lands were reserved for the exclusive use of the Indian and for his posterity. Since then the government has changed the law without, I would say, the request put to the individuals who are involved.

As you stated a while ago, had the government not put the land in the name of the crown, in time the reserve would be disposed of by being sold.

Here we are today, law being legislated where we are given the right to sell our land by the majority on the reservation, and if the deal goes through it amounts to 350 acres. According to what you stated there, I cannot understand, either, why. I will admit that my learning is very much limited.

The VICE-CHAIRMAN: Chief Adams, this is being done with the consent of the majority of the band. The government is not doing it without the bands consent.

Chief ADAMS: That arises from the law of 1827. That land was reserved for our own exclusive use and our posterity, children that are not born today. I am sorry to say, Mr. Chairman and member of parliament, ladies and gentlemen, they are, as far as discrimination is concerned, and I am sorry to say, selling that land to the city society. It is the land which I figure is in the Indians' best interest, but it is the dollars they want. The city needs the land for bigger business industries, and they want it for the tax. After my land is gone, what the heck do they care? They sell to us automobiles; they sell to us household goods, and when the land is gone it is too bad. There ought to be a law made by the government of Canada that Indians should not be allowed to sell one foot of their land in the case of reservations. Instead of selling land they should be buying land.

The VICE-CHAIRMAN: Are you suggesting that you should not be permitted to sell the land if the majority of the band wants to?

Chief ADAMS: For their own good. As I say, we have not got the ability to get out and get jobs, owing to the fact that we have not got education. We have not got the education. We have been going along for a period for years and years without the ability, without the education, and we have not got the learning so as to go out and get a job and make the money that is required to maintain ourselves. We have not got the ability to sell this land. It is too bad.

The VICE-CHAIRMAN: This is very confusing to me, and I know it must be very confusing to the members of the committee, because we have been told by one group that they want the right to sell the land, and we are now told by another group that they should not be allowed to sell the land from the reservations, even though it is the wish of the majority of the band.

Chief ADAMS: I have been in constant contact with various nationalities and I know how they would think of me, and how they would take me. If the Indian ever sold the land it would be just too bad for them. In fact, as far as the Sarnia and Sandwich reservations, we do not get the benefits. They take the money and put it in our band funds for the reservation. They say that we have all the finance capital from selling the land, but we should never have sold that reservation land. We are better off with the land. The Sarnia and Sandwich people tell us that they never sold the land and they are better off than we are because they get public aid.

I told the band when they were selling their land that their land would be gone pretty soon, and the money would be gone too, and when that happened they would be finished. We have got money, true, from selling land; but pretty soon our finances are depleted and we are worse off then than if we had kept the land. But they sell the land owing to the fact that we are adjacent to the city of Sarnia and the city of Sandwich.

Mr. JONES: I think this has been raised before, Mr. Chairman, and that is that band funds are budgeted to carry on with the operation of the reserve.

Senator HORNER: If your land adjacent to the city becomes quite valuable and you receive a good price you could possibly buy very much larger tracts perhaps on the opposite side of your reserve. Would that not be to your advantage?

Chief ADAMS: I would say, honourable member, that if the Indian sells his land for money they will end up with nothing. I am an Indian myself and I am in constant contact with many Indians, and I am sorry to say, they are poor people with money, 90 per cent of them. They just throw it away.

As far as the land value going up, that is fine, but they would not be much better off.

I came into the department of Indian affairs two months ago and spoke to some people there and I said that I would like to introduce to them an idea. I said I thought it would be very good for the band to buy 800 acres 12 miles north or east of Sarnia, or southeast of Sarnia. We knew we could buy that land for \$1,200 an acre, or \$12,000 for 100 acres. After 40 years time they could make a lot of money and we would have to be going somewhere else. At the time they told me they could not see it because sometimes in 40 years the land would cost less. I was trying to secure this place for the Indians in case they sold out.

Mr. THOMAS: Mr. Chairman, might we ask Chief Adams if the band council has made any request to the department to reinvest this money into land?

Chief ADAMS: I have not, to be frank with you, honourable members of parliament, here. The reason I did not ask the members of the council was because I would say they would suspect me. They would say "there is Chief Adams, he wanted to sell the balance of our land". That is the reason I did not approach them in that manner.

Mr. SMALL: If your council decided that they were going to sell the land on the reserve and you were going to purchase land somewhere else which would be regarded as reserve land for the Sarnia Indians for future use, and it was just a matter of selling the land, would that not be to your advantage? I understand the land you did sell was for crown use anyway?



Chief ADAMS: It was sold to the crown for industrial use, and resold to industries.

Mr. SMALL: You mean the land that was sold was not sold to the hydro commission?

Chief ADAMS: It was sold to the crown first. We have got to surrender to the crown first.

Mr. SMALL: You have to surrender it before they can resell it, but if you want to invest those funds which you receive from the sale with the consent of the department would they not agree? Did you inform the department that you would like to buy other property at a reasonable rate so that you would have land for the future years?

Chief ADAMS: This was my opinion when I visited the Department of Indian Affairs some three months ago, but they could not see it at that time.

Senator HORNER: Before we get too far away from the subject matter, I would like to say that I was very much interested in the remarks of the young chief at the end of the table.

First of all I am very much concerned with the idea that he expressed about people coming here on behalf of Indians, speaking out and apparently being marked by the department for harsh treatment. Is that what you said?

Chief PETERS: They certainly do not love me in the department, because I am outspoken. Anything I have to say I say quite frankly. They have no other reason to dislike me. I served during the last war with the forces and also got a commission, just competing against people like you. I worked with men like you. I have raised my family the same way, and I am proud of my family. My family is going out in the world and they are getting an education. I am proud that they are going to have an education. I do not see why they should feel disturbed about me or anything else. I did not bring a copy of the letter, but I have it. They said some things in connection with our band. I was called some uncomplimentary things. They said that I did not have much thought for anybody else. I was too selfish in my thinking. I am raising that question because in 1945 when I came from the war I went down to the Indian affairs branch. I just forget who was in charge there at the time, but I remember a Mr. O'Neill was superintendent, like Mr. Morris is now; regional supervisor. I went in to see the superintendent of Indian affairs at that time. I forget his name. At that time he asked me how certain people on the reserve were. He would ask me how this fellow was getting along. Well, I am not in the habit of saying anything against my own people. I do not believe in that. I said "OK, as far as I am concerned". He said "that is not what I heard". He said, "I got a record of everyone of you down there". He said, "that fellow there—", and it was the chief then; "he is not any good".

When you bring this question up about not liking me I feel that I might just as well bring it out now, and that is to ask if they have got some of these gestapo methods here. We call them that because that is what we are taught. They keep a record about everything like that on these different reservations. We all have that feeling. There is not one chief here that has not that same feeling. We all know. We all say to ourselves when we get away, we know we are marked in this department. We know what they think of us. We are just a bunch of trouble makers. I have not got nothing to lose because I have not got nothing in the first place, and if I did I would not give a darn because everything I have, I got myself. There is still the feeling that there is the ultimatum all the time. If you say something, or anybody that dares to criticize or anything like that, then it is not good. That is the reason I say those words. It has been a feeling of mine for a good many years. I have never had the privilege of standing before a committee like this and saying anything, where



it would do any good. If there is one bit of good that comes out of being able to get up and say what is in me I know it will do me a lot of good because I will not have to carry it around any more.

The VICE-CHAIRMAN: I am sure that when you are here you may say anything. I would suggest, however, that we are a long way from talking about treaties now, and I think we should probably get back to considering them. This has been a general discussion and I have not stopped anyone.

Senator HORNER: One other point that this gentleman brought up, although I think it was a mistake. There was nothing meant at all when the superintendent and agents held their meeting as they did. It was an administration meeting, as they say. They made the mistake of holding their business meeting at the same time in the same place. I can understand your feeling about being left out. They should not have held the meeting at the same time and place. If they wanted to hold it then they should have held it in the presence of the chiefs as well. However, I do not believe there was any intention to slight you at all.

Chief PETERS: I hope you will accept my apologies, but for a long time I have carried that feeling with me. I am awfully sorry if I made a mistake.

Mr. HENDERSON: That is a good feeling to have under the circumstances and to get rid of. You just felt the same as I would and the same as anyone in this room would feel if they had been there and they treated us this way. We would all have had the same feeling, and I would have felt the same.

Mr. KORCHINSKI: I would like to go back to something that Chief Hill mentioned earlier in regard to property that the United Church had on your reservation. Did I understand you correctly to say that there was some question in regard to the legal owner of that property?

Chief HILL: The agent asked the band council to look at this problem. There was a house sitting on this property and they wanted to buy the part of this property so that they would not have to move the house. The band council sold the property. We had our own surveyors and they measured it and gave us a sketch of where this land was. They brought the sketch back to council and we sold them the land. As soon as the superintendent got hold of this information he said "you sold the land illegally". The Indian department is very ready to sell that land and get that money, but we do not feel that way.

Mr. KORCHINSKI: There was some contention as to who is the legal owner of that property.

The next question I would like to ask is, has there been any loss of your council records by fire or through disasters, or in any other ways?

Chief HILL: No, we have all our council records now. We have one; the bands have one; the Department of Indian Affairs has one. There are three copies. We get one, the department gets one and the superintendent gets one. If one copy is lost then there is always another copy.

Mr. KORCHINSKI: To go back to my original question, I would like to point out that if the practice had been carried on up until now, as the department would like to see it done now, and all these properties were registered with a proper description you would not have that difficulty in regard to sales such as to the United Church. That is to say, there would be no question as to who was the legal owner of the property. That is the only point I wish to raise.

Chief HILL: The band are satisfied, because when they approve of a land sale between one individual and another we send our fence viewers out there to measure this. There is no overlapping of property, as someone mentioned. It cannot be done, because these fence viewers know the reserves, and they are two of our best men. They bring us a sketch which shows what they have done. When they bring the sketch back with the measurements on it, the

council approves the measurements and the sale of the land and the title to it. When this goes into the Department of Indian Affairs and something happens that these people who bought the land need assistance in the way of welfare houses, the department does not approve of it. I say that is an ultimatum, that if you do not submit to the certificate of possession you do not get the house. The department appropriates that money for building of welfare houses, and yet you have to have a certificate of possession. That is one question nobody in this house has answered yet.

The VICE-CHAIRMAN: The department has to satisfy itself the person owning the house owns the land. Whereas you might come along to the position where somebody will claim the property on which the house was built and you would have to move the house off again.

Chief HILL: We have had no experience up to now, in the years since 1840, where anybody else has come into that reserve and has ever claimed any part of someone else's land.

The VICE-CHAIRMAN: I am suggesting that could be a possibility, that is all. I am not suggesting it has ever happened; but it could be a possibility.

Chief PETERS: Mr. Jones said, and you have said, all you folks are interested in is helping the Indian, and you want to see they do not go off the track. I think you have a way to do that, to satisfy yourself and the Oneida band, and that is not to have to use this, what you call, "certificate of possession." You can call it anything you like. You can call it some other name in the case of the Oneidas, but if you say you still have the interest of the Indians at heart, and they do not agree to that certificate of possession—I do not think they would object if you survey that land on the reserve, and not give them a location ticket, but have a record of it. There is no reason why you cannot have a record of it and not call it a certificate of possession. This has been certified by the Indian Department and they are satisfied—Mr. Hill here and Mr. Antone here. We surveyed that land and we know this is the first problem. We and you have a record of it, and it still has not changed the status of that land. If you are sincere, get that survey done, but do not put them on a certificate of possession, but let them carry on as they have been doing. If you survey and you find you are not putting a house up on anybody else's land, everybody is happy.

Mr. JONES: Would you agree to that, Chief Hill—an internal survey?

Chief HILL: I would have to call the general council on that, which comprises of the whole of the Oneidas. It would be a decision of the band.

Mr. JONES: We have suggested a survey from time to time; and your people, in their wisdom, have not seen eye to eye. But if you would agree to an internal survey, I think a lot of your troubles would be over.

The CHAIRMAN: Can we go on to the next item?

Chief HILL: I wonder, Mr. Chairman, could I get an answer on that now? There is that question asked, and I believe Mr. Jones is the man that could perhaps give me an answer today on the question of this money, where it is appropriated. I have to have a certificate of possession before that house can be built. There is the welfare fund where this is appropriated.

The CHAIRMAN: I have explained it as well as I can.

Mr. JONES: I do not think there is much more I can say. The housing program has been such a boon to the Indian this last few years. Chief, have you had any of this welfare money in past years?

Chief HILL: Yes, it has been coming in.

Mr. JONES: I mean, to build houses?

Chief HILL: Yes, it has been coming along, but they have been building two, three or four houses each year, and then it came to a point where they stopped dead and said, "We have to accept a certificate of possession."

Mr. JONES: There seems to be an indication somebody is lowering the boom; and I will look into this particular case. If the council have been allocating land for welfare houses in the past—and I presume they have—

Chief HILL: Yes.

Mr. JONES: It has been in line with departmental policy. I would have to look up this one particular case, and I would not make a snap decision this afternoon. I am not familiar with it. But we do try to have a council suggest who should get the welfare house. They should know better than we do, and provide land for it. That is the general policy across Canada.

Chief HILL: I must assure you—as you say you are going to look into this—I do not think you are alone, but I think the sanitary department in the city of London is looking into the same thing in the case of the Oneida, where there are people living in tar-paper houses without any flooring.

Mr. JONES: We will do our part if you will cooperate.

Chief PETERS: There is somebody responsible for the conditions and, if these conditions prevail, the sanitary department in the city of London are going to step in. We know it is in the county of Middlesex. If these conditions keep on, what are we going to have there? I am glad you are doing the same; I am doing the same myself; and somebody else is doing the same. We will get somewhere then.

The CHAIRMAN: Any questions on No. 2?

No. 3, band lists.

Chief GARLOW: Mr. Chairman, honorable members of the Senate, ladies and gentlemen, this deals with the register I want to talk about. I think it starts at section 5 of the Indian Act. As I looked over that from time to time I discovered it was inadequate to satisfy our people, in many respects. I am going to point out one. First of all, as I told Crimond, when he was up there he got hot under the collar and said, "I am going to put him on the list whether he likes it or not." I said: "I presume you have assets and an estate, and suppose we made somebody become the beneficiary of your estate, without your consent, would you like it?" He said, "This is a different question." I said, "We have a trust fund, and you say you are going to put this child on, regardless of whether we like it or not." It came to a point where we protested this certain individual. It says this must be an Indian child. This Indian could be from the States. There are Indians in different reserves, over there, and he could be an Indian from there, and yet you put him on our list. I said, "Provided the declaration of the father was that it was from this lady that had had this child, then you would have something. But it is too open." According to the register, it is as long as you are a Canadian.

The next part I do not like is that you are degrading the morality of our people. Here is a girl living without wedlock and you put them on the list. There was a time when we put them on the list, and we had a ruling they must be married first. That is our purpose, to raise the moral standards of our people instead of degrading them. We have this vote, and I think it has stimulated our convictions in our thinking. What I mean by this is that prior to 1951 the government was doing our thinking for us, and since we have got this vote I think we are intelligent enough to do our own thinking now. Let us do our own thinking. That is one thing we are dissatisfied with.

We had this before the courts last Wednesday, and the judge deferred his decision when he heard our complaints. So, whether or not the government will amend that act, it is a question. That is one thing that our people



are opposed to. We want to have this right, because it consists of our land funds being depleted. It looks all right to put one or two on, but we have had up to as many as ten, and that we object to. Take the ten children. They grow up and have a family and there is nothing to hinder them to call for enfranchisement and to take out their capital share, when, in the first place, they are not even a member. That is what I said before. We are united to press our fight, as far as the difficulty we meet sometimes is concerned. Now, we have grown up. Let us work together, as partners, to better this situation among the Indians and among ourselves, because we have this franchise now. We can then select our man to represent us in the provincial and federal elections. I am happy to say—and this is my own expression of opinion now—I am going to devote my entire time, when the election comes, and do my utmost to assist the people who gave us the franchise. I think that is about all we deal with in this section.

The VICE-CHAIRMAN: Chief Garlow, would you agree with me when I say that probably clauses 3, 4 and 5 could all be dealt with together?

Chief GARLOW: Yes, the whole register; that consists of the regulations.

The VICE-CHAIRMAN: Sections 3, 4 and 5?

Chief GARLOW: Yes.

The VICE-CHAIRMAN: Are there any questions on that? Are there any questions on No. 3, 4 or 5—that is, the band lists?

Mr. THOMAS: I think, Mr. Chairman, that is a matter which will have to be discussed by the committee when they come to make up the report and recommendations. It is one of the main problems that has been presented to us here.

The VICE-CHAIRMAN: We have had a great deal of discussion on this, and previous delegations have been before us.

Yes, Chief Peters?

Chief PETERS: We have in No. 5:

that onus of proof before admission or deletion of an illegitimate child to the band shall be with the person involved and with the consent of the band council.

As it is now, when a child is born of an Indian mother they are immediately put on the band lists. That has not worked out very good. I would cite one case in our reserve, where we have a mother from a different reserve married into our band, and she raised a family of five or six children. She left and went to her own band, is living common law and has raised more children. They could automatically come back into our band, as the father is an Indian. There is nothing we can do about it. We figured this is really hard on the band concerned, because actually the father of the other band should be responsible, and there should be some responsibility for those children in the band where the father belongs. He should have some responsibility. In fact, I think he should have all the responsibility of those children; but as it is now the responsibility comes back to us. In this act we have had a chance of protesting this because they are not much good, because it is hard to get a thing like that through. They say: "The mother is Indian and the father is Indian. Where are we going to put them?" The onus is on the band. And, as Mr. Garlow explained, they share in our monies which our children should share in. Whereas, at the same time we think the band should be responsible for their share of the children, without any difference in their funds. That is the reason No. 5 was brought up, that the onus of proof of the child should be on the mother. Before that we had to do it that way; before the proof was on the mother. Take, for instance, a girl that has a child. If she is from their own band she can tell, because



she will want her child to have the best, and her best, to us, would be to be a member of that band without anything being held against the child. Naturally, it would help morality with our young children, to know this child really belongs to their band. Then you would have more of a chance of telling them who the father was, and you would have less of this here leaving of reserves like that. We do not have much on our reserve, but the tendency is towards that since you do not have to tell the father.

The onus of proof is on the band. If it was on ourselves I think it would create a little brake, and that little brake might be enough to do away with this illegitimacy we have now. That is one reason we brought section 5 up. I believe we thought the other way, there is the argument the illegitimate child would usually have a strike against it for the rest of its life, if it was the other way. We have found, through working with this legislation up to now, it has not proved beneficial. We have found it has not proved as beneficial as we figured it would at the time it was brought in. In our opinion, we had a discussion with all the bands, and that had the unanimous support of all the bands up there, when we had a meeting—that the onus be placed back on the mother.

The CHAIRMAN: Are there any questions on sections 3, 4 and 5?

Chief ADAMS: Did I understand Chief Garlow to say, regarding the band list, since the chief and council are representing the band, that they would have to say all who participate in the land and money, owing to the fact the man owns the money and then leaves the band? Is that Chief Garlow's point?

Chief GARLOW: That is what I meant. Years ago we did have that. We did call special meetings for that purpose, and both the parents had to be present. We even looked at the child, to get some proof. I was surprised that privilege had been taken away from us.

The VICE-CHAIRMAN: Any further questions now? Can we continue to section 6, enfranchisement?

Chief MISKOKOMON: Mr. Chairman, ladies and gentlemen, in this article 6 we are dealing with at the present time, it states:

That Indians who have become enfranchised be allowed to return to their respective bands on repayment of band funds received by them on being enfranchised.

There is a part that is left out there and that we wish added:

—with the consent of the band council.

I will try to give our thinking behind this. When a person has been enfranchised—for instance, this person sometimes is a younger man, and in this present day and age the younger men are starting to realize that there is not the opportunity on the Indian reserve. Possibly 50 years ago it was there, but it is not any more. These young people acquire education. They go and acquire a skilled trade of some type. They move into the city, and then into the industries. They work in the industries for years, and as they raise their family and educate their own family, eventually their life has come to an end and they wish to retire. They have worked their life out, and they want a little peace and quiet. Where can they get that? Why, back on the Indian reserve.

But according to the Indian Act once you are enfranchised from the Indian reserve, you go on a one-way street, you go out and never have that opportunity to return.

We are asking this committee to give consideration to the point where the band council will have the privilege of accepting those Indians back into the band, if they are people of good character, upon repayment of the money that they had initially taken out of the band funds, or the present band funds, whichever amount is greater.

I know of several cases where this is a fact. But one person, in particular, who has worked on the railroad many years and had a very good job and a highly experienced job, lived with a non-Indian practically all his life; and he begs to come back. Those are the kind of people we want back, the kind of people who will give us leadership and give us experience of the non-Indian. He is going to be a credit to any Indian reservation.

CHIEF GARLOW: Mr. Chairman, ladies and gentlemen, I am not criticising when I say about this register. I said that before they did our thinking. Perhaps they thought, "Well, the Indian is unlearned, and we will prepare a scheme whereby those children will get on the list." Last fall the Six Nations accepted section 68. I will read it to you, to emphasize what we are trying to put over. It says:

The Governor in Council may by order permit a band to control, manage and expend in whole or in part its revenue monies and may amend or revoke any such order.

The Six Nations accepted that, and I presume some of the others did. If we are going to run our business, give us that privilege. We do not know whether the government is going to do that, because it has not been passed by the order in council yet. But suppose it did, we would like this to come into effect, because we are dissatisfied with this register. We want full control, as we have had in years before. I think it was in 1954 when this was changed over, or 1953—when was it Mr. Jones, when you appointed a registrar?

Mr. JONES: 1951.

Chief GARLOW: However, it has been carried on that long. It causes a lot of inconvenience to our council.

We protested and went to Brantford, and it is before the judge now. He has deferred his decision because I think that he saw it did work out to the satisfaction of the Indians. Otherwise he would have said right away what he thought. The judge's word will be conclusive. I am very glad that he has withheld that.

I want to say one thing on what Chief Peters said. We had a convention in Hamilton. We met men like you, intelligent men. It is very educating to listen to the various speakers who have their ideas in connection with this Ontario welfare association. We had Indian delegates there, and I believe they went back with valuable information to carry on this work according to the working programs.

I spoke to some of them, and I said we better tell them we are thankful we are beginning to participate in this fund—getting 80 per cent; but they were reluctant to take any action. I sat down with them, and said it was time to make a decision. I spoke on behalf of the Six Nations delegates, and said that we were grateful to participate in this fund—and I told them before that. I received \$1,500, and our people are very grateful. I was greatly honoured to become a member of that welfare association, and I intend to devote all my time to making it a success.

The VICE-CHAIRMAN: Are there any questions on 6?

Chief PETERS: I can cite a case of a younger person. Take, a man and his family want to get enfranchised. They decide they want to get enfranchised—and that is why we want these restrictions; we always wanted the band council to have something to say about it, because there is such a thing as the children not getting a square deal in this matter. That is one of the big points. It is not so hard on girls because, if they want to get back in, they can remarry, and do it this way. But, if there is a five or six year old boy in the family, that is different. Anything can happen to the parents after they have enfranchised. They have given up all their rights, and possibly spent the money coming to

them. This boy has lost his rights and privileges on that reserve. Maybe his parents have separated or died. Any number of things could happen. This young boy is possibly living with his grandmother. When he reaches the age of 21, he has to go out, when the only home he has ever known has been the reservation. He leaves all his friends behind. He is going to be a lost boy—and that is where that section brings that point out again. Those are the people we are concerned about—the people who have never had a chance to say whether they wished to continue to be a member or not.

The VICE-CHAIRMAN: You are referring to No. 18.

Chief PETERS: Where they say they could not enfranchise their children—a child could not get enfranchised until 21 years of age, and he would have to apply, on his application, and get the consent of the band. That is why we have the other section with this one. It creates a certain amount of hardship. I know several of these boys who have come up. We have two cases on our reserve, where they have asked that if they could put the money back would we accept them back. It is kind of difficult, and quite a problem to realize that. However, that is one of the problems it creates.

The VICE-CHAIRMAN: I can assure you, Chief Peters, that this has been discussed on many previous occasions.

Are there any questions on No. 6 or 18? I think we can dispose of 18 as well as 6, because 18 pertains to those under 21.

Chief GARLOW: Section 18?

The VICE-CHAIRMAN: That pertains to people under 21, and we are discussing that at the same time as section 6.

Mr. STEFANSON: As we have discussed these sections so thoroughly during past meetings, I do not think we need to go further into them.

Mr. KORCHINSKI: Would the reverse be true? In cases where they apply for admission to a band, would you not consider a child under 21? If the parent applied for re-admission into a band, would the child not qualify for admission until he becomes 21?

Chief PETERS: You mean with the parents?

Mr. KORCHINSKI: Yes.

Chief PETERS: We would not consider that. It would be left up to the band council. Supposing the parents had a child that old, they would not be too old, and they must have made up their minds to be enfranchised. The people with whom we are concerned are the older people who want a haven in their old age, or the young people who were taken off the list without having anything to say about it. We are not concerned about the people who expressed the wish to be enfranchised and went out into the world.

Mr. KORCHINSKI: This comes to mind, sir. Suppose a case occurred where somebody was enfranchised, lived off the reservation, children were born, and wished to be taken back into the band, with the consent of the council—and they were taken back. Then, would these children who were born off the reserve be taken into the band automatically, or would they have to wait until they were 21 and make application again?

Chief PETERS: I am going to skip that question and leave it for a more experienced man.

Chief GARLOW: I think the object of that is that he would be of age to decide for himself whether he wanted to become a member.

Mr. KORCHINSKI: Would he have to be 21 before he could do that?

Chief GARLOW: Yes, in order to become of age to decide whether or not he wanted to become a member. I took this question up with Hon. Mr. Harris



several years ago. I know my neighbour's father enfranchised the whole family, and there was an old lady who said she wanted to adopt one boy. She did, and he inherited all her estate at death. She had this one boy in her will. She said: Jimmy wants to stay, let him stay. Then she said: you are going to Ottawa; I have the money, and I want you to find out. The boy said he did not give his consent, that he was only a child. He said he was willing to give this back because he got permission in that will to reside on the reserve with his brother. So, I told Mr. Harris, and he said: no; you know what the act says—once he enfranchises, he ceases to become an Indian in every respect within the meaning of this act, law or statute.

However, the point is this—as I suggested before. The times change, and we go according to the times. In politics, it is the same thing. We think differently as the time turns, and we go according to the times. However, that is the answer I got at that time.

The VICE-CHAIRMAN: Are there any further questions on paragraphs 6 and 18? If not, No. 7?

Senator HORNER: That, Mr. Chairman, has been brought to our attention, and we have been assured the department is following that up at the present time.

The VICE-CHAIRMAN: Colonel Jones and the minister have assured us this is being done just as fast as they possibly can.

Mr. MUSKOKOMON: Are you referring to section 7?

The VICE-CHAIRMAN: Yes.

Mr. MUSKOKOMON: I would like to comment a little further on that, if I may. Also, I would like to tie in No. 7 with No. 23. You have had numerous discussions on No. 7, so we will skip it. You have all agreed with that. No. 7 is a very important one—that the federal government instituted a more vigorous campaign for Indian employment in every phase of Canadian endeavour. We mean by that that as long as there is federal employment, we are working along the same line, and that Indians should be employed in those positions, all things being equal, upon application. By that, I mean you have several positions—police force, customs and immigration, stores, weights and measures, postal department and so on, where you could employ our people. We would like to incorporate those two sections.

Senator HORNER: Very good.

The VICE-CHAIRMAN: I think Chief Garlow could verify the fact that all the teachers on the reserve are Indian teachers.

Chief GARLOW: Yes. Of all the Indians, I think there is only one out of the 36 who is not.

The VICE-CHAIRMAN: I think practically all of the working staff at the hospital are Indians as well—the nurses and so on.

Chief GARLOW: There are one or two who are not Indians yet, but the majority are.

The VICE-CHAIRMAN: This is being done about as quickly as possible, with the shortage of nurses.

Chief GARLOW: Yes.

Chief PETERS: Could I ask one question on that?

The VICE-CHAIRMAN: Proceed.

Chief PETERS: I understand there are a lot employed on the Six Nations reserves in the hospital and everything else. Every time the question of the Six Nations reserve comes up before us, we note that they are well looked after. You give them as an example for the rest of the bands. However, do not forget



that there are a lot of other bands, and we want the same treatment. If there is a chance for Indians to get employment in our other bands, why not give us the same privileges as you have given the Six Nations? They are given preferences.

Senator HORNER: Paragraph 23 applies to all reserves.

The VICE-CHAIRMAN: In your own case, Jim Paulis is your agent.

Chief PETERS: I was thinking of Walpole Island; they took on a clerk, and he was not an Indian. With the trend nowadays, I think there should be a little preference given because, after all, you are trying this problem out, and that is why I brought it up. It is quite nice to think that these people on the Six Nations reserve are being looked after, but I was wondering if you were forgetting that there are some other reserves besides the Six Nations?

The VICE-CHAIRMAN: I am sure the ex-secretary of the band council on the Six Nations reserve is now in the Toronto office. His name is Chief Mewasige.

Chief MEWASIGE: I had an incident in my own reserve—and she happened to be my own daughter. I tried for an application to the civil service in Ottawa, while she was in Montreal. There was an opening in Sault Ste. Marie, at the time, for a clerk. In fact, there were three openings. Her application was rejected because she was not a resident of Sault Ste. Marie. I have a letter here some place. That is what she was told. I was just thinking that if she did get a job in Sault Ste. Marie, she would have to live in Sault Ste. Marie.

The VICE-CHAIRMAN: Generally speaking, chief, the local people have the preference, where a local situation like that exists.

Chief MEWASIGE: The thing was that Mr. O'Neill, our superintendent, sent me a letter stating that if I knew of anybody that would apply for that job, I could do so. So I just only thought of my own daughter at the time because I thought, well, she had the qualifications. She passed her grade 12. I thought maybe she would be qualified for that job. However, Mr. Boivert, the placement officer, said she was not qualified because she was not a resident of Sault Ste. Marie.

Chief PETERS: You say they have to be a resident of the place?

The VICE-CHAIRMAN: Not in all cases. They generally stipulate on the application where local residents are given preference.

Mr. MUSKOKOMON: If I might make another suggestion, it is in regard to the trouble that these people have in applying for positions, and I think the answer to that is that they do not know the procedure. Now, we have Colonel Jones here with us, and I wonder if we could not make this suggestion—that at any time there is an opening, or a potential opening, if he would notify the band in that particular area. If he did this, I imagine it would get out among the band members, and then we would have some procedure. They would all get to know about it. Personally, in my own instance, I would not know how to go about applying for a civil service job, because I have never done it—and I am sure the children out of school do not know how to do it either. I do not think you are acquiring the Indian intelligence into your staff that could be gotten, if they knew the procedure.

Mr. JONES: I like that idea, I think that is an excellent suggestion, Mr. Chairman.

Sometimes we possibly become a little complacent and think everybody knows how to take on these various tasks. However, I think that is a very worth while suggestion, and we could work it through our Indian offices. We could have these posters displayed, making known to the Indians the jobs that are open. Also, we will be glad to help in filling out their application forms. I think it is a very good suggestion.

Mr. Chairman, I would like to say once again that we welcome Indians on our staff. One just came in the door, in the person of Mr. Kelly, from the Queen Charlottes. He is one of our senior officers in Ottawa. The more qualified Indians we can get on our staff, the better we will like it.

The VICE-CHAIRMAN: Are there any other questions?

Senator MACDONALD: Following that up, Mr. Chairman, is it not true that when a position is open you advertise it in all the press?

Mr. JONES: Well, the Civil Service Commission handle all the new appointments.

Senator MACDONALD: But do they not advertise in most of the press across Canada?

Mr. JONES: That is correct, yes.

Senator MACDONALD: So I would suggest, gentlemen, watch the press.

The VICE-CHAIRMAN: They are always listed in the post offices.

Senator HORNER: I think the better suggestion is that of Colonel Jones.

Senator MACDONALD: Oh yes, certainly, by all means.

The VICE-CHAIRMAN: Are there any further questions on paragraphs 7 or 23?

Mr. FANE: Is Colonel Jones going to have the jobs that become available on the reserve posted in the reserve headquarters—the agent's office on the reserve? Is that the idea? Did you say that you were going to have notices of these vacancies on the staff placed in the office on the reserve?

Mr. JONES: Yes, and as well as alerting the field staff, it would encourage Indians to watch for the bulletins, and apply for any jobs they feel they are qualified to do. They can ask for our assistance in getting the forms and filling them in.

Mr. FANE: Definitely. I think that is something that should have been done long ago.

The VICE-CHAIRMAN: Are there any further questions on No. 7, or section 23? If not, No. 8.

Mr. MISKOKOMON: On article 8, Mr. Chairman, it reads:

That the committee to be set up shall investigate the particular sections of the Indian Act, where the words "the minister may" is not followed or preceded by the words "at the request or with the consent of the council of the band" or where the minister's authority is in conflict with the terms of any treaty and with proper advice, delete those words, or amend the sections.

I think this particular part has been elaborated very thoroughly, and I do not wish to take up too much of your time on going over things that you probably know a lot better than I do. But there are many, many sections in here that are probably worded in such a way that we feel, as members of the council and chiefs of various reserves, that we have absolutely no authority. What I mean by authority is this: I do not mean authority over the minister; but I mean authority over our own business administration.

That is the part we would like to bring out here, that we would have at least a little control and a little recognition at the same time.

The VICE-CHAIRMAN: Are there any further remarks on section 8? Are there any questions on No. 8?

Senator HORNER: I think it is a reasonable request.

The VICE-CHAIRMAN: I can assure you that it will be given very serious consideration when the committee makes up its report. No. 9.

Chief PETERS: I would like to deal with this, Mr. Chairman:

That the Indian Act should be amended so that a section should be formulated to give such power to the band council resolutions that adverse criticism or recommendations by the agency superintendent shall not have power to nullify such resolutions.

What I would suggest is this, that when we have been in session like this we should, as a council—and speaking as a chief—when we have our council meetings, know at the table the superintendent's opinion on these things.

The VICE-CHAIRMAN: If he does not agree with you?

Chief PETERS: Yes, if he does not agree with us, let us discuss that. Perhaps we could have that, instead of seeking a resolution that is going to be knocked on the head before it ever leaves the table. We have them going to Ottawa, and the minister coming along nullifying that work. It is just a waste of time. It gets to the point where your band council is obsolete. Therefore, to make it more effective, we would like to think that there would be regulations to regulate the superintendent also.

Senator HORNER: In other words, he might argue it out with you before seeking to nullify what you say?

Chief PETERS: Yes. In that way he could give us his objections at the table—we would not mind that—and it would give us a chance to explain to the department why we want that in there, with more force, rather than just a resolution that has no authority.

Mr. FANE: That means that the agent cannot veto your resolution without discussing it?

Senator HORNER: Yes. That is quite all right.

Mr. FANE: That should be very fair to everybody.

Chief HILL: I have one question, Mr. Chairman and ladies and gentlemen, that I thought would be good in view of this section here, No. 9.

Since 1934 all resolutions passed at our band council seem to have been, the same as franchised Indians, a one-way street. We never get these resolutions approved; we never get back the approval of these resolutions. When we make a resolution at our council meeting, it leaves our council and the agent in turn sends it to the department of Indian affairs. At our next monthly council meeting after that we always expect that these resolutions that we made, the agent would bring them back and put them on the table and tell us whether these resolutions which we have made have been approved by Ottawa, the department of Indian affairs.

It started in 1934. That is one thing I would like to have cleared up; where any resolutions or recommendations made by the council of the band of Indians are concerned, when these resolutions go out, they must be sent back to us, stating whether our resolutions have been approved. So far, when we make a resolution it is gone, and that is it: we do not hear any more about it.

The VICE-CHAIRMAN: You do not hear whether they have been approved or not?

Chief HILL: Yes, that is right. We would like to know for our band records. That is a question I would like somebody here to answer: why is it our resolutions do not come back to us with the information as to whether or not they have been approved.

Chief Garlow today said that all his resolutions come back to him showing whether they are approved or whether they are not approved. Why is it that, when we have council meetings and pass resolutions and they go to Ottawa, we do not know whether they are approved or not?

The VICE-CHAIRMAN: Colonel Jones says that with regard to individual cases of that kind he will look into it for you.



Chief HILL: It is all cases that come through our council.

Mr. JONES: It is the policy, with regard to anything that is approved or disapproved in Ottawa, to go back to the agency office; and I would just assume that at the council meetings all resolutions that have been approved would be shown to the council.

Chief HILL: No, they never come back. It is a one-way street.

Mr. JONES: That is just a common business request, which I would agree with. I will look into the Caradoc situation, because I would expect that what happened to last month's resolution would be one of the items of business at the monthly meetings.

Chief HILL: That is what we say.

Mr. JONES: Have you ever asked Mr. McCracken?

Chief HILL: Yes, and he says, "I have never got any report back from Ottawa". We cannot bug him any more than that.

Mr. JONES: You mean, all resolutions?

Chief HILL: All. There is not one that comes back to us saying whether it has been approved or disapproved.

Mr. JONES: I will check into that, Mr. Chairman.

Chief HILL: Thank you.

Chief PETERS: I want to ask one question in connection with that, Mr. Chairman. That is a problem. All the bands have secretaries, and why not, since we are getting more advanced, they tell us, make use of those secretaries? Instead of sending out material concerning the band in that way, why not have it sent to the band secretary, and then it is on our records, and with regard to those recommendations or resolutions we would know whether they had been turned down or not.

We do not have that difficulty in our agency; but we did have, and I know what it is like. If you have to send the resolutions to the agent already, it is just as easy to send one to the secretary, and therefore we would make use of our band secretary as well.

Mr. FANE: Mr. Chairman, might I ask Colonel Jones if that system prevails on all reserves—mine too, Saddle Lake? Do you return their resolutions, approved or disapproved, too?

Mr. JONES: That is the general administrative arrangement. That is what puzzles me, and I am going to look into it.

I have not had any complaints, so I just assumed it had been working. If I were an Indian councillor or chief, I would want to know myself.

Mr. FANE: That is for sure.

Mr. JONES: I would want to know myself what happened to our resolution the month before—so that is a very legitimate request.

Mr. FANE: I would say so.

Mr. JONES: Yes; but as I have not had too many complaints on this, I just assumed that the councils knew what was going on.

Mr. FANE: Naturally, you cannot be responsible for every little detail like that, until it is brought to your attention.

Mr. JONES: We do know from experience that when our administration is on the wrong track, or it is faulty, we soon get enough criticism and complaints of a general nature to realize that something is definitely wrong.

In other cases, if we do not get too many complaints, we figure that it is working. We cover a tremendous area of Canada—in fact, all of Canada.

Mr. FANE: That is right.

Mr. JONES: And about 90 agencies. But I will look into this.



Mr. FANE: Thank you.

Chief GARLOW: As I said before, we make mistakes, because we are only human. Our whole council made one mistake last fall. It was a transaction of land.

We have a document like that, and the council signs their names. This is about the christian fellowship; they are organized on our reserve. We have the Anglican church and United church, Baptist, Pentecost, Mormons, and this new doctrine came in, christian fellowship.

She came to me and said, "Chief, I am just about to get married. I am going to marry a non-Indian, and I would like to carry on this work; what can be done about it?" I said, "You know that you will be enfranchised?" I said, "Prepare some kind of document like that and sell that property to us and we will make arrangements so that you can continue with your work".

Soon afterwards, she came in with a lawyer, and they had a document. She said, "I am selling this Six Nations the property, the land and the church". Then they had an agreement evidently that said that should the christian fellowship discontinue, the band will sell this property and the proceeds of that sale go out to the christian fellowship. They discussed it, and I looked at it several times and I said that it did not look all right and I would not approve it.

Mr. Hill is looking after these things in Brantford, and he said, "I do not think there is anything wrong with that". I said, "I think there is quite a bit wrong". He said, "Why?", and I said, "Either the deed or the agreement is wrong. They contradict one another".

When our ancestors came over here, the Anglican church came with them and gave them land to carry on the christian work, and in that document it said that so long as they carry on religious work, it is all right; but should they discontinue, that reverts back to the band. So I said, "This is different". The council and I discussed it for about two hours. One councillor got up and said, "There is nothing wrong with this agreement". I said, "It contradicts the sale". He said, "It is all right to go back to them". I said, "No"; so we finally took a vote and 11 voted. There was one councillor that refused, but the others all signed it. They came up and handed it to me, and I took it and showed it to Mr. Stallwood.

He said, "Look, you had better sign that". I said, "No, I will not sign it". He said, "You must sign it; it is a resolution that has been passed almost unanimously." I said, "There is one councillor who refused to vote." I am a chief and I am also a councillor.

I said, "If I sign that, I am a rubber stamp. I have a right to my opinion". We all have a right to our opinions. He said, "It is all right, if you do not want to sign: you have got a resolution—send it down". They said, "Does he not have to sign?" He said, "No, I guess that is all right; he has the right to express his opinion".

They sent it down blank, and the next day I thought I would write and tell the minister why my name was not there; she would wonder why it was not there. I wrote to her and asked her about this and told her my contention, the way I saw these documents which were inconsistent with each other. I told her the way I understood it, that preaching people came on here and the council gave the christian fellowship privileges over and above other denominations—special privileges.

I got an answer in about a week. She said, "Chief, I received your letter". I made a copy, and I wrote to Mr. Stallwood. I wanted the original. I kept the original so that I could study it for my decision.

About six weeks later he said, "It came back just as you said. It is not right"; so the council had to rescind that, and up to the present time the people have to come to the council to do one or the other—submit to the regulations. They have not showed up, so you see they made a mistake.

We have good men down in the department; but we all make mistakes.

Senator MACDONALD: That is the only way you learn, is it not—by making mistakes?

Chief GARLOW: We profit by our mistakes, I presume.

Mr. FANE: You are just lucky if it is not costing you too much.

The VICE-CHAIRMAN: Are there any questions on No. 9? No. 10, referring to section 15.

Chief GARLOW: This same section came up before our investigation, and you all know about that. Colonel Jones knows about it. It deals with this per capita share. Our council has from time to time, when application comes from someone for enfranchisement, said, "Yes, we will let you out", and they cannot take the money. I was down here to discuss it with Colonel Jones, and he said, "Garlow, you are not a legislative body of men to do that. That is for the government." He said, "In fact, a person who is not enfranchised will get everything out; not only land, their interest, but their share".

I told the council when I got back—that was on the agenda—and I said, "I did not get any place with that question"—and we never did. But, as I said before, we can try and try and try; and we are trying again. What I say about this is: you take our ancestors who formed this trust fund. You all know how it happened. They sold this land, and they went through hardships: money was scarce at that time. I have seen the record at Brant. After he made his first sale—it was around Waterloo—he sold 900 acres and got \$9. However, the council authorized him to do the selling; and when he got a certain amount of this money he demanded English Sterling money, pounds, shillings and pence, and he said, "That is in trust to the British government".

At that time transportation was slow. We got interest money every six months. The interest was slow coming back, and consequently our people were waiting. We have got a history where some of them died from starvation. Some of them were industrious, they planted and had bad crops.

The money was transferred by the Hon. Dunn, who became the first Indian superintendent. Our young people never put one cent in that trust fund. It is there for posterity, as long as the Indians are in existence. That is one point, that we try again: whether we succeed, we do not know. We would like to have the enfranchised go out without taking just a little bit of money, because after all it is only \$125, and that will never break anybody and it will never make anybody rich.

Many people I know—for example, one of my neighbours; he said, "I am going to get enfranchised". I said, "You do that". He said, "I do not live on the reserve much". I tried to persuade him to stay; but he got enfranchised. What did he do? He came back on the reserve to live, and we gave him 30 days to get off. So it does not make him rich and have a good time maybe one day.

Chief PETERS: Mr. Chairman, there is just one question I would like to bring before you. On this section here, No. 10, there was quite a discussion when the question was brought up. I agree with Mr. Garlow there. We had quite a debate amongst our own reserves.

Just like he argued, the young people, or we people now, have not put anything in that fund; and if we keep drawing out of it, getting enfranchised, we are taking money that should go to some other younger children.

The VICE-CHAIRMAN: Your grandchildren?

Chief PETERS: Yes and it does not amount to that much, anyway. So we figure that if they want to get enfranchised, go ahead and get enfranchised; that is their privilege. But we figure they did not have that right there.

But there was quite a battle. Some delegates figure they were certainly entitled to it. I just want to bring that before your committee.

The VICE-CHAIRMAN: This is a similar discussion to that which we had on section 20 and section 18 before.

Chief GARLOW: Also, when they got this money, money was scarce and they said, "Look after the future". They may need the money more than we do today. But they preserved that money through hardship. That is how we got this trust fund.

Senator MACDONALD: I do not know if it is a proper question to ask; but I do not think we have got on the record the population of your reserve.

Mr. SMALL: We had that this morning.

The VICE-CHAIRMAN: There are various representations represented here. Ours is approximately 7,000.

Senator MACDONALD: How many different chiefs are here representing different reserves? Could we get an estimate of the total population?

The VICE-CHAIRMAN: There are five different reservations represented here, are there not?

Mr. MISKOKOMON: Six.

Mr. THOMAS: Two from one reservation, Mr. Chairman.

The VICE-CHAIRMAN: Six delegates but representing five reservations.

Mr. MISKOKOMON: There are two reservations and one agency.

Mr. THOMAS: So they really represent more reservations than that?

The VICE-CHAIRMAN: Yes, of course.

Senator MACDONALD: I will just put one more question. What is the band council worth?

Mr. MISKOKOMON: Would you say that again please.

Senator MACDONALD: What is the band council worth?

Chief GARLOW: We have almost \$900,000. This year we appropriated \$90,000 which is revenue money, and we put it in the bank. We do not get five per cent interest on it in the bank. But we do get five per cent from the government.

Senator MACDONALD: I wondered how much your band was worth.

Chief GARLOW: According to our budget, our revenue money was \$90,000.

Senator MACDONALD: Do you keep it in a capital account?

Chief GARLOW: We get reports each year. There is a financial report each year.

Senator MACDONALD: And the band is worth what?

Chief GARLOW: Almost \$900,000.

The VICE-CHAIRMAN: How can you derive revenue of \$90,000 from a capital sum of \$900,000?

Senator HORNER: No, I thought he said \$9,000.

The VICE-CHAIRMAN: You said \$90,000 was your revenue money?

Chief GARLOW: That is right.

The VICE-CHAIRMAN: But that \$90,000 does not all come from interest on your trust fund?

Chief GARLOW: No. There are other revenues as well. We appropriated \$100,000, but we lost the interest on it during the time it was working. We



receive a subsidy from the province of 50 per cent, and another subsidy of 50 per cent from the federal government, and we get it back when we have finished the road. But we lose the interest on our money while it is being used.

The VICE-CHAIRMAN: I thought it sounded strange, if you could derive \$90,000 as interest at five per cent on a capital sum of \$900,000.

Chief GARLOW: We get 80 per cent for bridges and culverts from the province.

The VICE-CHAIRMAN: The same as any other municipality. Are there any further questions on No. 10? If not, No. 11, which has to do with section 17 of the Indian Act.

Chief ADAMS: This section 17 was introduced by a member from Kettle Point. They had an experience up there on the Kettle Point reserve. The Stoney band reserve was taken away from them for the purpose of a training camp, and the question was put to them whether they wanted to surrender that land or not. They did not want to surrender it. I think there were only eight who were in favour of surrender, while the larger number were not in favour of the surrender.

Now, section 17 says that the minister may, whenever he considers it desirable, constitute new bands, and establish band lists with respect thereto from existing band lists, or general lists, or both; amalgamate bands that, by a vote of a majority of their electors request to be amalgamated, and where a band has applied for enfranchisement, remove any name from the band list and add it to the general list.

But they did not comply with this section. They just went ahead and took that land away from the people, with the result that the Indians up there are very much dissatisfied with the treatment that they got. They acted entirely contrary to the act.

The VICE-CHAIRMAN: They took over camp Ipperwash, did they not?

Chief ADAMS: Yes.

The VICE-CHAIRMAN: It is not familiar to Colonel Jones at the moment, but he can get the information.

Chief ADAMS: I was told to take this up. The boys at the convention felt that something should be done about it. They have been trying to take the matter to court, but they are a poor bunch of people, like ourselves, and they could not get together enough money with which to take it to court.

But if the Department of Indian Affairs should go ahead and consult these people, I think they would be satisfied, because I have heard several of them complain that the deal that they got was bad.

The land was supposed to be for their own use and enjoyment, yet it was taken away from them under section 17, and they did not even comply with section 17. They took it contrary to the wishes of the majority of the Indians. But I am quite sure they would be satisfied if they were to be approached in some way.

Mr. JONES: I do not think this section has anything to do with it.

The VICE-CHAIRMAN: It might have been done by the Department of National Defence.

Chief ADAMS: They put the Stoney band in with the Kettle Point band of Indians.

Mr. JONES: I am not familiar with the case at all.

The VICE-CHAIRMAN: Colonel Jones will get an answer to it, and it will appear in the record at a future meeting.

Are there any further questions on No. 11? If not, No. 12, which has to do with the first six words of section 37.



Senator HORNER: Where are the lawyers? What is the objection to these six words?

The VICE-CHAIRMAN: Do you wish to make any remarks regarding item No. 12, Chief Adams? It is section 37 on page 12, and the first six words.

Chief ADAMS: Might I just say a few words which I have jotted down here. It has been assented to by the majority of the band. Colonel Jones is well acquainted with this so-called highway 40, and that some years ago the council left a portion of the road to the township. I think it was six years ago, and then an oil company put in a pipeline right down that road without consulting the chief or the council or anybody else.

Section 37 says:

37. Except where this act otherwise provides, lands in reserves shall not be sold, alienated, leased or otherwise disposed of until they have been surrendered to Her Majesty by the band for whose use and benefit in common the reserve was set apart.

The surrender is made void unless it is made to Her Majesty. And section 39(1)(b) says that it must be assented to by a majority of the electors of the band.

The VICE-CHAIRMAN: You are getting down to section 39 which is not mentioned in item No. 12. That has to do with surrenders. I will grant you that all those sections have to do with surrenders, but it is the first six words of section 37 that you are asking to have deleted, except where this act otherwise provides.

Chief ADAMS: This was brought up at our convention was it not? They were afraid that some of the land up there along the river or the lake would be taken away. It comes under section 35. I am sorry; but it does go down to section 39.

The VICE-CHAIRMAN: It provides for the power of expropriation where it is taken for public use for such things as highways. I think that is what it means.

Chief ADAMS: The Indians were not informed that some company was coming along. That is why they introduced this matter and requested that it be given consideration.

Chief PETERS: Where it says that no land shall be taken under this section without normal legal procedure, I think it would tie in with that. We had a long discussion about the taking of Indian land, and the consensus of the convention was that now they had to have this act in there, the Expropriation Act; but the point was that they wanted to have it so that we were not treated any differently than in normal legal procedure, and that they would not go along just because it was an Indian reserve and start to cut roads through the reserve without first going through the process of normal legal procedure.

The people up north were quite concerned about it. Evidently there was a road cut through the reserve, or something, and there was a discussion.

The VICE-CHAIRMAN: I am advised by Colonel Jones that it is never done without first consulting the council, and that it is the policy of the department to have the people concerned deal first with the band council before they do that.

Chief MEWASIGE: In that northern section of the province there is a road which has been cut through our reservation. It has been done two or three different times without any consultation with the band council at the time—or none that I can recall.

The reason that the northern Indians are afraid of this particular section 35 is that in the future a time may come when the government will probably take a certain portion of their reserve away without even consulting the owners of the reserve. That is the reason it was felt that section 35 was a sort of detriment to the Indians of the general area.

The VICE-CHAIRMAN: Are there any further questions on this item?

Chief ADAMS: Since you have embodied this in the surrender, where it says there shall be no sale—that lands in a reserve shall not be sold, alienated, leased or otherwise disposed of until they have been surrendered to Her Majesty by the band for whose use and benefit in common the reserve was set apart—as far as the land is concerned where the pipeline was running, it was never surrendered by the band. In 1827 this land was reserved for our own exclusive use and enjoyment, and for our posterity. But here we have a wealthy corporation which possesses millions of dollars, enjoying financial benefit through our land by cutting a pipeline through it. And I say there must be a contradiction here.

The VICE-CHAIRMAN: They paid for the right to go through there, did they not?

Chief ADAMS: No. They never paid the band one penny.

Senator MACDONALD: Was it the Hydro Commission which enforced it?

Chief ADAMS: It is right on highway 40, right along the riverbank.

Senator MACDONALD: Did they have any authority from the Ontario government to push their pipeline through?

Chief ADAMS: I cannot say.

Senator MACDONALD: It might be the general policy all over the province.

The VICE-CHAIRMAN: There are several pipelines running through the concession just north of us, and I know that the people there were very well paid for the right to have those pipelines go through their property. Are you sure that the money was not paid into your band fund?

Chief ADAMS: No sir. And moreover, they had policemen on the highway to see that there was no interference.

Mr. JONES: We have quite a lot of dealings throughout Canada with oil companies, who are constantly coming to us for easements for their pipelines. The general procedure is to say to them: "Go and talk to the council and reach an agreement with them; and if they are satisfied, then we may submit your application to the governor in council."

I do not know what particular instance Chief Adams is talking about. It might be the ownership of the road allowance that the pipeline went through. Can you give me any date?

Chief ADAMS: I am sorry that I do not have the date; but I can get it for you as soon as I return home.

Mr. JONES: We are very punctilious, and when public utilities come to us to ask about going across a reserve, we tell them to go and consult with the council, and we will make a date for them to do so. I would have to know the date about the utility in question, and other particulars before I could do research in the matter.

Chief ADAMS: At no time was that council ever approached.

Senator HORNER: If there was a road expropriated, or taken through the reserve, would the pipeline company have the right to deal entirely with the highways department, or would there still not be something further to be done in consultation with the council?

Mr. JONES: You mean if there was a road there?

Senator HORNER: Let us say that a road was purchased and belonged to the highway department. Could the highway department arrange with the pipeline company to build their pipeline under that roadway?

Mr. JONES: I think that if the highway department bought the land and paid for it, it would then become a provincial highway, and they would be

entitled to do anything they wanted with it. I am not a lawyer, but if they had sole possession of that land and had bought it from the Indians, then it is a provincially owned highway. But that is just an opinion.

Chief ADAMS: I do not wish to take up any more valuable time, but this thing is very important, and whatever you decide is going to govern our Indians in Canada, we will abide by it. But when this land was given for our exclusive use and for our posterity, then to have a pipeline company running a line through it, and enjoying the benefits, when this portion of land was never surrendered and never paid for, causes us some concern.

The VICE-CHAIRMAN: The pipeline does not take away the land. They have the right to go through; and ordinarily the pipeline will pay a very fair amount for the right to go through. But you can still work that land, in spite of the fact that they may have the right to come in if anything should happen.

Chief ADAMS: It says that the reserves are for our exclusive use and for our posterity; yet they are going through and deriving untold thousands of dollars of value from our land.

The VICE-CHAIRMAN: Colonel Jones has said that he would look into this particular case for you. Are there any further questions on this item? Items 12 and 13 have both been taken care of. Now we come to item 14 which has to do with section 72 (g).

Chief GARLOW: It says that with regard to section 72 (g), a full investigation should be made on medical and hospitalization services for the Indians of Ontario.

As you are aware, this came into effect a year or so ago, and I contend that it does not affect the Six Nations, and I will tell you why.

If you will read section 87, you will see that it has to do with legal rights. Let us turn to it. It says:

87. Subject to the terms of any treaty and any other act of the parliament of Canada, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that such laws are inconsistent with this act or any order, rule, regulation or by-law made thereunder, and except to the extent that such laws make provision for any matter for which provision is made by or under this act.

You will observe the change, where it said "except to the extent that such laws make provision for any matter for which provision is made by or under this act," or any order, rule, regulation, or by-law made thereunder.

You will see another exception to the extent that such laws make provision for any matter for which permission is made by or under this act.

There are two exceptions. The first one is that if it is inconsistent with the act, it is not applicable; and if provincial laws are inconsistent with this act, then it is not applicable.

There are only two places where provincial laws stipulate in this act that it has validity, and those are sections 90 and 96. It says that no offence is committed against paragraph 2 of subsection (a) of section 93, if intoxicants are sold to an Indian for consumption in a public place in a province where intoxicants may be sold in a public place; that is, no offence is committed against subparagraph 2 of paragraph A of section 93 or paragraph (a) of section 94 if intoxicants are sold to or had in possession by an Indian in accordance with the law of the province where the sale takes place or the the possession is had.

But since the act was passed last year we have had a referendum, so that we can have intoxicants in our home now. So it is valid. We now come under the liquor laws of Ontario.



Then we have section 66-2, and subsection 2 of section 66, but I shall read the whole subsection as follows:

66. (1) With the consent of the council of a band, the minister may authorize and direct the expenditure of revenue moneys for any purpose that in his opinion will promote the general progress and welfare of the band or any member of the band.

(2) The minister may make expenditures out of the revenue moneys of the band to assist sick, disabled, aged or destitute Indians of the band and to provide for the burial of deceased indigent members of the band and to provide for the payment of contributions under the Unemployment Insurance Act on behalf of employed persons who are paid in respect of their employment out of moneys of the band.

Those are the only two. So this provincial utilization plan does not come into effect in section 72, and I shall read section 72, which deals with medical matters and you will see in paragraph (g) that it says:

(g) to provide medical treatment and health services for Indians,

(h) to provide compulsory hospitalization and treatment for infectious diseases among Indians.

In other words, suppose that I were infected with some contagious disease, and I refused to go to a hospital. And suppose I said that I would stay at home, and that my parents would look after me. Nevertheless, I would have to go to a hospital, because I have a contagious disease, and it is compulsory. Now, they sent two representatives. They said they were here to satisfy me, and would discuss it with me. There was Dr. Weibe and Dr. Proctor, and when one of them went away he said I had given them a hard time. But, they have to provide this for us.

Now, I am going to say something off the record.

The VICE-CHAIRMAN: I am afraid the reporter's ears are too keen for that; you had better say it on the record.

Chief GARLOW: I am going to say this. Now, you gentlemen in parliament, you will verify this statement. I was told this. We go by the Indian Act; you go by the British North America Act. This party said when a session opens up, the Prime Minister will read—or the Governor General will read this British North America Act, and he says—he refreshes the honourable members of parliament on their obligation toward the Indian. We thought we would bring this question up, some of these doctors are collecting. When we submitted the resolution to the health department—that is, Dr. Moore, I came down the week after. He sent a letter over to me—an invitation, and we went over there. He said: I see you do not want to submit to hospitalization. I said no, it is inconsistent to the act; you are supposed to look after us. I said you are supposed to provide for us. He got the toothache and went out, and he said that if we wanted the hospital back, take it back. He went out, as he had to go to the dentist. I wrote him from home, told him what we discussed verbally, and asked if he would put it in writing so I could present it to the council for their consideration. He wrote and told me, as I told you—if you want the hospital back, take it back. I brought this before the council and they have been thinking about whether or not they will take it back. However, the government is supposed to continue and give us medical treatment until such time as this section is revised. We contend they should look after us and provide medical treatment.

Mr. SMALL: You made the statement that where, in the case of infectious diseases, they hospitalized you, that was done for your own protection.

Chief GARLOW: Yes. It is the best thing because, if I stayed at home, it would spread.



Mr. SMALL: This is done more for your own protection.

Chief GARLOW: Yes, but it is compulsory; I have to go to hospital—and, in quarantine, I suppose.

Mr. SMALL: Otherwise, you would be quarantined in your house?

Chief GARLOW: Yes. But, if they are going to keep that, why not keep it all, and provide medical services to us?

Chief ADAMS: I am sorry Mr. Chairman, but I have not this letter I got from our agent, stating we must pay P.S.I. or else go on our own. There are some of us Indians who have not the ability, or a steady job, and we find it hard to go ahead and make ends meet in securing all the requirements needed in life. We do pay about one-quarter of our P.S.I. from our band funds, one-quarter out of our own pocket, and 50 per cent from the northern health.

I have it in the past—my own hospitalization and surgical, for years, and I am sorry to say in the past I have seen Indian patients in a hospital where they are half paid patients, and were a detriment to the hospital administration. We did not get the medical attention we should have got. I was very thankful I was able to go ahead and take hospitalization. I feel just as good as Colonel Jones or the hon. chairman or anybody else, with it. I have been paying my own way, as I want. However, it is unfortunate for a lot of my fellow Indians, as they have not the work and ability to go ahead and secure the necessities for their requirements in life.

The VICE-CHAIRMAN: Of course, the department does pay for these people who feel they have not enough money to pay for themselves. That is true, is it not?

As Dr. Moore is not here, perhaps Colonel Jones could enlarge on that.

Chief ADAMS: A lot of our bills and expenses, we do not know what they are for, or what we are paying for. I have lots of complaints.

Chief HILL: To further the question of hospitalization on our reserve at Oneida, the information we got from our Indian superintendent was to the effect that anyone who was working out and had a job, had to pay for his own hospitalization. That was taken out of your wages, and so forth. Immediately upon discharge from your employment, we are supposed to report back to the administration office, and from there they would carry you until you get your other job. If you were laid off from work, the government would take you up and pay your hospitalization and doctor bills until you get another job. Then, they drop you again, and you continue on your own again, and so forth. I was quite concerned about the older members of our Indians. All these older people have to come by is their old age pension of \$55 a month. They were, as well, according to the letters we got, required to carry their own, which is \$4.20 a month for the head of the family. They were required, out of their pension money of \$55 a month, to carry this. Well, that point there, we just could not see it.

The VICE-CHAIRMAN: I do not think that is true, chief.

Colonel Jones could explain that.

Mr. JONES: Mr. Chairman, Dr. Moore made a full statement here, which is on the record.

To answer Chief Adams, I think I recall Dr. Moore saying that there was a campaign on by his branch to have bands, on a voluntary basis, share in this Ontario hospital scheme. Some are doing it in full; some half, and some a quarter, with Indian and northern health services paying the rest.

I believe Dr. Moore said their branch also felt that the full-time employed Indian off reserves should contribute to this compulsory hospital scheme in Ontario, but that they were prepared to pay the monthly dues for any Indian who was not able to do it himself. They accepted that responsibility.

I think that was the gist of Dr. Moore's evidence. However, it is all on the record of one of the earlier meetings.

Senator HORNER: As I remember his statement, that was right.

Mr. JONES: I certainly would not think they would insist on an old age pensioner paying, if that is all he had.

Chief HILL: I know, Mr. Chairman, in Caradoc, we were without a nurse and a doctor for some time, and those people who required hospital treatment had to go to some health clinic in London. Upon the discovery of whatever trouble they had, they had to buy, with their own money, the prescription—whatever the doctor at the clinic gave them. There was no way where we could go to the medical centre in Muncey and get our pills, or whatever the doctor prescribed; we had to pay from our own pocket. Of course, that, again, has changed. But, this question, I would like to have someone answer. Where do these things come in? Say, for a period of three months, we have to supply our own; then, we get back into it again. Where does that trouble lie? Is it the administration or northern health services. Are they checking up on us to see if we can carry ourselves? Why do these things come up?

Mr. SMALL: I remember Dr. Moore speaking on this, and this question came up. It came up more than once; he had to answer it a couple of times. He stated the position of the department he represented in regard to looking after the Indians. He said that where the Indian was able, and could afford it, they looked upon him to do it, the same as anyone else. However, where they could not, his department provided for that. The same thing applied in regard to medicine. It was the feeling that the individual who could afford it should pay for it. He was very specific about that. However, in every case where an Indian could not afford to pay, the department looked after it. I think everyone here heard the positive statement Dr. Moore made in connection with this matter. Where they were able to pay for it themselves, they had to pay just the same as we do.

The VICE-CHAIRMAN: But not one went without medical aid.

Mr. SMALL: That is right.

Senator HORNER: And he went on to say—and I think the British Columbia boys were here at that time, complaining, in some cases, in connection with doctors—that they were paying doctors, and he wanted a report of any doctor who was not abiding by the rules. He was anxious to hear of any complaints where the doctor was refusing to attend the patient.

Mr. SMALL: Also, in connection with discrimination, it was brought out they were being discriminated against, in regard to receiving prescriptions, medicine and drugs, to look after them. Dr Moore stated they were all treated equally, and he investigated a particular incident they mentioned, to show that had been so.

The VICE-CHAIRMAN: He assured us that was the case.

Are there any further questions on paragraph 14? If not, No. 16—section 112. This has been discussed many times, and the compulsory feature of section 112 has been taken out. The minister has made a statement, on more than one occasion, that is going to be removed.

Chief PETERS: Well, if that is the case, I will have to change my vote.

Mr. MUSKOKOMON: Would that be the complete section?

The VICE-CHAIRMAN: Well, we do not know yet. However, I think you would be the last one to say that the whole section should be wiped out because, do you not agree, in cases where the band wants to enfranchise, that the machinery should be left there for them, if they wish to do so?

However, the compulsory factor is going to be taken out.

Chief GARLOW: Yes, I agree with you, Mr. Chairman. If a man wants to be enfranchised, let him do it. However, I am objecting to the compulsory part of it because, after all, our boys fought in two world wars. They fought for democracy and, what is that? Freedom of liberty, religion and speech. Why do we want those freedoms? We want our own opinion to come out.

Mr. WRATTEN: Mr. Chairman, if it is going to be taken out, is there any point in discussing it?

Chief GARLOW: We brought this question up the last time we were here, and the minister said she never used that yet. Well, maybe she will not use it, but someone else might.

Mr. SMALL: It is coming out.

Chief GARLOW: If it is coming out, all right.

The VICE-CHAIRMAN: I can assure you the minister has made a statement, and I can say, on her behalf, that the compulsory feature of this section is to be removed.

Chief PETERS: Could I say one word on section 112? That has been a contentious thing in this whole Indian Act. We have fought and fought and fought and certainly it is a pleasure to come here and to learn that this one section has been revised. It is worth all our lost time to have that taken out of there.

Senator HORNER: When Senator Gladstone introduced the bill, he said he expected his people would want that section removed, or altered.

Mr. Chairman, while we are on the subject, do you think that we can complete this brief tonight?

The VICE-CHAIRMAN: We will not be able to finish it tonight.

Mr. KORCHINSKI: Let us finish with No. 17.

Mr. MISKOKOMON: 17 and 18 have been pretty well covered.

The VICE-CHAIRMAN: We will leave the other section for tomorrow morning. We will then go on with No. 17 now. Is that satisfactory?

Chief GARLOW: I think we discussed that a while ago.

Mr. SMALL: That was taken care of with another section at the same time.

The VICE-CHAIRMAN: Yes, that is correct; 17 is pretty well taken care of.

Chief GARLOW: If you would wish to take up No. 18?

The VICE-CHAIRMAN: That has been dealt with.

Senator HORNER: Yes, it has been.

Is it the wish of the committee to adjourn now, and meet again tomorrow morning?

Mr. KORCHINSKI: I so move.

The VICE-CHAIRMAN: Just a minute. We have some other things to attend to.

Colonel Jones has the answers to some questions that were asked at previous meetings. He wants to table these answers now so that they will be included as an appendix to the proceedings.

Mr. JONES: Do you want me to read them?

The VICE-CHAIRMAN: Well, what is your wish?

Mr. JONES: Well, as long as they are printed, it will be all right.

Mr. SMALL: You better make a statement so that we will know you have put them on the record.

The VICE-CHAIRMAN: You could make it brief, and state just who asked the questions.

Mr. JONES: These are answers which form part of the record, Mr. Chairman.

A question was asked by Mr. Hardie on May 25, when the Saskatchewan Indians were here, concerning machinery, power lines and funds made available for fishing.

Mr. Gundlock asked for school attendance in the various schools which served the Blood reserve, also the number of children from off the reserve attending schools on the Blood reserve.

A question was asked when the Alberta Indian association was here requesting information about the number of Indian students enrolled in post elementary grades and the amount of money authorized in respect of these students for clothing allowance, and so on. This information is provided in that regard for all the other provinces in Canada.

The VICE-CHAIRMAN: The Minister of Citizenship and Immigration has asked me to apologize to this delegation today because of the fact that she has not been here. She has been very busy, and it has just been impossible for her to get to this meeting. Although it was impossible for her to get here today she asked me to apologize to you for her absence.

Are there any other questions?

Thank you gentlemen.

We will adjourn now until to-morrow morning at 9.30 in this room.





## EVIDENCE

FRIDAY, June 24, 1960.

The VICE-CHAIRMAN: Ladies and gentlemen, we are a little late getting started this morning. As I understand it we are at section 19. Last evening we completed No. 18. We will proceed this morning with No. 19 which deals with section 69.

Mr. Miskokomon.

Mr. MISKOKOMON, (*Councillor, Union of the Ontario Indians*): Mr. Chairman, ladies and gentlemen of the committee, before we get into section 69 which refers to Indians loans, first I would like to apologize for Chief Garlow of the Six Nations who is unable to be present this morning because of other business. In his place he has substituted for Mr. Ed Poodry who also is a councillor of the Six Nations Indian reserve.

In respect of these loans to Indians which are covered under section 69 we feel that there is room for some changes. You will notice in this brief that we probably are working under a little different system now than we had been working under. You will notice there are certain phrases which are underlined. Those phrases are the parts we would like to have added to section 69. As it reads now, in the Indian Act it says "The Minister of Finance may" and so on. We have added "at the request of a band council the Minister of Finance may" and so on.

We do not have too much trouble with that particular section in the first part.

In the second part, which is 1(a) we have added the three words "at reduced rates". You will notice it says to make loans at reduced rates to bands, groups of Indians or individual Indians for the purchase of farm implements, machinery, livestock, motor vehicles, fishing equipment, seed grain, fencing materials, and gasoline and other petroleum products, or for the clearing and breaking of land within reserves, or to purchase other material that will benefit a band or individual. That last part "or to purchase other material that will benefit a band or individual" could include some very important things. When I say important things I believe it is very necessary that that should be in there. When an Indian applies for a revolving fund loan, for instance, to build a house or to erect farm buildings, the first thing he does is make his application at his local superintendent's office, for example, to put up farm buildings, if he wants to get assistance under the provisions of section 69. Right at the start he is told that is not covered in that section 69. I happen to know some aggressive young men at our agency who have been faced with that particular problem. There are two young fellows who have been trying to farm practically all their lives under the provisions of the Indian Act which at times is very hard to do. It is very hard regardless of the man's character, ability, aggressiveness and initiative. That man cannot go off that reserve and get any financial help unless he contacts one of the finance companies. I think we are all intelligent enough that we try to stay as far away as we can from those companies because of the high rates of interest. I know from personal experience that when he contacts the bank they say "we know you very well; we would love to do business with you, but we are very sorry". I have to put up very strong arguments. I had an occasion when I wished to purchase a diesel tractor. I offered to bank 50 per cent down in cash if they would finance the rest. This

was a test case. I offered 50 per cent down on this new diesel tractor and said that I would pay the balance within a period of three years and that I would take out a note at the bank. He said "I am very sorry; I know you; you have been dealing with this bank for many years, but I cannot help you, as the act prohibits it".

I have read of cases where some Indians have established credit at chartered banks, but I am sorry to say that I do not know of anybody who has done that. Sure, you can borrow money if you have an equal amount in the bank; but if you want to make a straight loan at a bank the same as any non-Indian would do, I have found that there is a stone wall, a stumbling block. It is impossible at my bank and I have dealt with this bank for years. So we turn to our local agency and apply for a revolving fund loan under section 69. I am pleased to say I have had two successful loans. At the present time I am on the very last payment of my second loan and I intend to take out another one as quickly as I get this one paid, or even before. That has no bearing on this particular case. These loans can be got by the Indian people, but only under the conditions stipulated under (1) (a). We would like to enlarge a bit on that and add this last sentence in there so that a person applying for a loan can go there; and in the case of farm buildings, for instance, he could borrow so much money to build a new building. He also could borrow a little more money to complete his house if he had finances enough to carry on a certain amount of it. He should be able to borrow money to start a small business on an Indian reserve. We have talented men on our reservation. I think we have every field of labour, from highly skilled tradesmen who work on automotive machines down to the common labourer. We have successful men established in the railway industry for years, but unfortunately we still have Indian people who continue to live and want to live at home. Those are the men we want to help get assistance. These are men like myself and other gentlemen.

I am sure I am speaking for all the reserves when I say we cannot go to the bank, which we want to do. We would like to go to the bank because of the rate of interest which is lower than the interest at a finance company. Personally, I never will go to a finance company, even if I have to go without, so we come to our Indian agency and apply for this loan.

I can give you an example in the case of fertilizer. My partner and I conduct an extensive farming program on the reserve. It is probably one of the largest in our area and possibly in the county. We have begged the department to finance us in fertilizer. I remember the figure; it was \$2,752 which we wanted to have backed at this particular time. They flatly refused us; not right then and there on the spot as businessmen should have done, but rather they said "Make application and send it in and see what will happen". I made the application. Fortunately, I made other provisions because as I had dealt with them once or twice before I had smartened up. In order to make these other provisions it cost me a lot of money in interest, but I did it. Then later I got an answer back, but at this time it was too late for me to apply that fertilizer had it been consented to—but it was not; it was refused. As a guarantee I had offered a first lien on my crops. That is the reason why we feel this last sentence is a very important sentence in there to help the Indian people on our reserves.

I think I have elaborated enough on that particular point. If we can, we would like to complete this brief this morning for the sake of you honourable ladies and gentlemen and ourselves.

I will carry on with (b) and (c). We are satisfied with this and leave it as it is.

We go on to (2): the governor in council may make simplified regulations to expedite the advancement of loans to give effect to subsection 1. We are adding the underlined parts, the word "simplified" and the words "to expedite the advancement of loans". When we say "simplified regulations" we mean

what the words imply. We do not want to go through too much red tape. We know it is necessary, but at the same time I think probably it can be reduced in some way so that the advance of loans may be expedited and pushed a little faster. For instance, it is no good for a man to get his fertilizer in July or August, as any of you who are farmers will appreciate.

Then we have (a):

No percentage of a loan shall be required as a down payment on a loan by a band or individual, on the recommendation of a bank council.

I am told that the department has a policy in which 25 per cent is expected as a down payment. I have spoken to our superintendent along those lines. I disagree with that. Sometimes an Indian is starting in farming. I will stick to the word "farming", because I think I know it well and I believe it will be a simpler subject for everybody concerned. When we got into a particular venture, such as buying a piece of machinery, the program is worked out in the finest detail we possibly can work out. We try to figure over a period of three to five years what our potential will be and how we can expand. Suppose we have a really bad year—we have had weather today; it is raining, now. Unfortunately, there are going to be many, many farmers—Indians and non-Indians—who, I am sorry to say, are going to have a real tough time of it this year.

We would like to purchase this machinery, say in a case of a tractor, with no down payment, after it has been approved or recommended by the band council. Who should be the best judge of the character of any individual Indian? I believe the leaders on our own reservation are best suited for that. If they feel this particular person is an aggressive sort of individual, and is willing to work—they know his background—they are the ones who should make the recommendation, or the rejection. Also, the superintendent should follow along the recommendation or rejection of the band council. We feel that is a very important thing.

We are opposed to the down payment program and, as I stated to my superintendent one time, if a down payment is part of your policy, I do not need section 69 because, for 25 per cent I can go to any number of implement dealers. In fact, it would be a simple thing right now to call on the telephone, and I could have a tractor delivered at my home by any one of several implement dealers, if I tell them I am going to pay 25 per cent down. They would be delighted to do this. They would do it for 15 per cent, or even 10 per cent, and the balance could be paid in the fall. They would be very happy to do it.

I think there are many, many Indian cases on various reserves in the southern part of Ontario, of aggressive men, who have gone down because of the length of time it takes to process these applications. Before they are processed and the word reaches back to our particular agency, it is too late. I know of several cases where the men hoped this money would be there in time. There is a member in this room, I am sorry to say who, returned after the war; he was a very aggressive young man, but had to fold up for that one particular reason. We have many men on our reserve who have folded up for that very reason, because we cannot go to an agency and borrow money at a smaller interest rate.

These are the things we feel the department should take an interest in. I know they are very capable. We appreciate what they have done, but the thing we want is for machinery to be set up to expedite these loans. In that way, we could save, in many cases, these young men who have to revert to the very lowest standard of living—labour.

The last thing I would like to mention, is a very debatable subject—and that is the reason for our request in connection with sub-section 5—the total amount of outstanding advances to the minister under this section shall not at any one time exceed \$5 million. That has been changed from \$1 million.



Our thinking behind this is this: I have had experiences along the revolving fund line, and I suggested previously that I thought it was a good thing. I have encouraged young men that I thought were capable of taking on small obligations and responsibilities, and I have told them to go to your office and apply for a small tractor to do market gardening—anything at all, but to do something. They come back and say: well, gee, I cannot get a loan; there is no money, as it is all used up. Well, that is the answer they get. Their hearts were up so high and, boom, they come back and are down low again.

On checking back, I find that only half of the money was used, and the other half was still lying there. We did not know that. That is why we asked for the \$1 million to be raised to \$5 million. Probably we are wrong in our thinking, because the records show the \$1 million was never used. However, we thought it was used. That is why we have asked for an increase to \$5 million.

Thank you, ladies and gentlemen.

The VICE-CHAIRMAN: Have any of the members any questions on this?

Mr. BADANAI: What is the amount of your revolving loan fund at the present time?

The VICE-CHAIRMAN: \$1 million.

Mr. BADANAI: What is the amount outstanding in loans at the present time?

Mr. JONES: There is just over half a million dollars available out of the million.

The VICE-CHAIRMAN: Still available?

Mr. JONES: Yes.

The VICE-CHAIRMAN: So there is less than \$500,000 taken up?

Senator HORNER: Mr. Chairman, may I ask this question.

Have you power on your reserve? Have you electric power available?

Mr. MUSKOKOMON: I do not get your question.

Senator HORNER: Have you electric power?

Mr. MUSKOKOMON: Absolutely sir, yes.

Senator HORNER: That might be one of the things that you might want loans for.

Mr. MUSKOKOMON: That is a very good idea, sir.

Mr. WRATTEN: Mr. Chairman, what about the statement the gentleman made that when they went to get a loan, they were told it was all taken up? Why was that, if there is still half a million dollars?

The VICE-CHAIRMAN: That was before it was increased to \$1 million from \$350,000.

Mr. JONES: That is correct.

We did run out of money several years ago.

Mr. MUSKOKOMON: Mr. Chairman, just to clarify the records, I will say this happened about four years ago so, what it was at that time, I have no idea.

Senator HORNER: The statement made before was that it was their impression it was all used up. Those are the words you used.

Mr. MUSKOKOMON: Yes.

Chief HILL: Mr. Chairman, honourable ladies and gentlemen; I thought, perhaps, I would be able to clear up some of this, in regard to what councillor Muskokomon said.

We are at the Caradoc agency.

Last year—and I believe Mr. Thomas will verify this, as he was at our council meeting—we went into the question of what seemed to be holding up this question of farming. We have some valuable farmland in the Caradoc

agency. Mr. Thomas was present at our council meeting, and certain arrangements were made. Mr. Morris came at the same time as Mr. Thomas. I thought it was quite a coincidence for these two gentlemen to meet at the same time. Mr. Thomas advised me beforehand and, when we thought we were going to have an audience with him, Mr. Morris popped up, and nobody expected him.

After we had our introduction of Mr. Thomas to our band council we felt, as Mr. Morris was there, that we could get a better explanation for our farm loans. He gave us some suggestions. Mr. Morris said: this money is there; these people do not ask for it. I, myself, have made several applications. Then the question came up as to why this money was there and we had not asked for it. The way Mr. Morris talked, if we had asked for it, there was no question why we could not have gotten it.

We continued on with our council meeting, and he said: this is what I want you to do; I want you to organize what we call the Caradoc farming committee, composed of the Chippewas and the Oneidas. He wanted to get this farm business rolling. All right. So, we did. I gave my opinion of why we had several loans there earlier, when I was very young, and I gave my version of why some of these seemed to fail. I said, in my opinion, I did not think the Caradoc agency or, some particular portions of it, should try to farm, because it is so low lying and awfully wet. We have to plow in the fields to get ready for spring crops, and we cannot get on the land. It is away into June, and everything is late for crops. These prospective farmers are anxious to farm; they get out and put their seed and fertilizer in, and then if you get an early fall—an early frost—everything is gone. Corn is our main field crop, as well as soya beans, yellow eyes and white beans and, if you plant them late in the ground and have an early frost, you lose everything. There is no organization there whatsoever. You work and labour for nothing. You cannot even make your board. I said the best thing to do, if the department of Indian affairs wanted to go along with us, was to start tiling, and put some tile into the fields—either big twelve-inch tile, where needed; six-inch tile where needed, and four-inch tile where needed, and then we would be able to get this ground ready. We know where it is supposed to go. Then, we could pick out certain ones, and the council could recommend these men for a loan. Mr. Morris said that that was fine, that we could do that, if we could find someone who was really interested in farming. He said that they would supply the tile from the department of Indian affairs, and help us put it in the ground. Also, he said that we could go to the Middlesex county engineer, and that he would come up and show us where it is needed. We did; we organized the Caradoc farming committee, in all sincerity, and we cooperated in every respect. We went ahead and formed the Caradoc farming committee, and we called in the gentleman from the Middlesex county engineering department. He came out to our former farming instructor; they looked at the fields, and they picked out 35 farmers—and the man said: this is where the tile should be in this particular place; if this man is going to farm he should have tile. The engineer said this particular man really needs tiling.

We got the report back, and had a meeting once a week last spring a year ago. Things began happening so fast that we sometimes had more than one meeting a week—sometimes twice a week, at the agent's office. The engineer's report came back to us of what was needed, and we submitted it to the department of Indian affairs. Everybody was enthused. I said: instead of picking 35 lots, pick out five. That was my suggestion. I said to pick out five prospective farmers, who are going to make farmers, and try them out, to see what happens. I said: let us get the tile in and the ground ready and, later on, when he makes application for a loan, it will be all right. So, this carried on, and when we got a report back from the engineer at Middlesex county, we reported back to the department of Indian affairs that Mr. Morris said we were going to get this tile, that help would be available to put it in the ground.

When we put our report back into the department, they asked: how much money have you got to put into it? These things, gentlemen, we like to know. If Mr. Morris is coming down to the Caradoc reserve, he should not have a story like that. He said that if we put tile in, it would be free, and that they were going to help us. However, when they put our application into the department of Indian affairs, they asked how much money we were going to put into it. We have nothing to put into it. Our band fund at Oneida is very low. It does well to pay our councillors and the chief a little. There you are.

Then, we had another meeting after that, and then a member of the Caradoc farming committee said: what is the use; we are coming here and meeting once or twice a week, have a meeting and discuss the farming problems, but when we submit our application to Ottawa they ask how much money we have to pay. Gentlemen, we have not got it.

We feel that if the department of Indian affairs is truly enthusiastic about starting Indians in farming, then, let them start. We have ground which is wet, and you cannot farm it. But if these conditions are put to us, we will accept them, and if we can get the people enthusiastic about it, we will see what we can do. We are able-bodied men, and we will pick out five men for the first year and then see what happens.

After we had this meeting, the president of the Caradoc farming committee said "What do we come here for? We might as well disband. We have had a pretty good attendance, but we have become disappointed. What is the use? There is no use coming every week, because we already know what we can do and what we cannot do. And when the Indian Affairs department ask us to do certain things, we know very well that we cannot do them."

I repeat: when the regional supervisor comes down, he tells us things that we should do. But where does he get them from? Does he just say those things on the spur of the moment, and when there is no point to them whatsoever? Because when we attempt to apply them, there is nothing there. They ask us how much money we have to back it up.

My opinion is that if we could get even a start made, that things would go better. I do not think there is any question about it that if Mr. Morris picked out 35 men, that it would be out of the question, because we cannot start 35 men in the first year.

But we do feel that if we could start, let us say, five men, and appropriate a sum to each one of them in the way of a farm loan—that is, supposing you have 35 farmers at \$1,000 a piece, then you should give to those five farmers the equivalent of what the 35 farmers would have got. Then you may accomplish something, because if you provide a man with only \$1,000 under present day farming conditions, it will not work.

You cannot farm on \$1,000. So that is why I said that instead of picking 35 men from the Caradoc reserve, you should pick only five, and give to them the equivalent of what you would have given to the 35 men, that is, \$1,000 a piece; that would total \$35,000, and I think that if this recommendation should go forward, it would really start something.

But first of all you must deal with the problem of drainage. And if we give a man \$7,000 or \$10,000, the drainage problem must be looked after first of all.

Senator HORNER: May I ask if the land surrounding your reserve is tile drained? Is it the custom in your district to tile drain the land?

Chief HILL: Certainly.

Senator HORNER: It is working out successfully in this area?

Chief HILL: Definitely.

Mr. THOMAS: I am familiar with the circumstances that Chief Hill has been discussing, and I have been given to understand that the Indian affairs



branch has had this matter under advisement. So I would be glad, in the light of what Chief Hill said, and in view of the way that the Caradoc reservation agricultural committee feels—I would be glad to hear some comment from Colonel Jones as to what steps the Indian affairs department are now taking, or have been taking, to remedy this situation.

Mr. H. M. JONES (*Director of Indian Affairs Branch*): First of all, Mr. Chairman, I would like to assure Chief Hill that all the planning and preparation that he mentioned so well will not be lost. I think it is well known in the branch—and I will say it publicly here—that there is no agency in Canada which causes me so much concern as does the Caradoc agency. And I might say that it also was of concern to my predecessors in office. It is quite a problem, gentlemen, and one which we will keep addressing our attention to until we can come up with a solution.

As the Chief has said, instead of 35 men, let us try it with five. I agree with that. Mr. Thomas knows of our interest in this, but I certainly do not know what the answer is at the moment.

Sometime ago I made arrangements—this might be coincidental—for Mr. Battle, our newly appointed chief of the economic development division, to have as his first assignment that of spending some time at Caradoc in order to meet with the council and chiefs there, and to see what could be worked out as a result of these preliminary surveys.

I have no idea what the title would cost. It might run into many thousands of dollars. Is it to be charged against the federal government, or is it to be a joint charge, or is it to be a charge in which the Indians should assist themselves?

These are questions which I cannot answer, but I would like to re-assure Chief Hill as to the planning, and the meetings, and the formation of the agricultural committees—I think that was one of the suggestions we made, namely, the formation of these committees.

There seems to be a really keen desire to form them, and Mr. Battle will be with you next week for the best part of the week. This will be his first assignment, and I mention it, because I am most sincerely interested in this Caradoc agency. And we shall keep working. It must be with the full cooperation of the chiefs and council, but I know we will get it. And if we can establish a few of your people in farming it will be something. That is about all I can say at the moment.

Chief OMER PETERS: I would like to make reference to the revolving fund loan which has been set up. It is something which is rather difficult to get.

I was farming there for a while, starting from the time I came back from the last war, and I was getting along not too badly; but I had come to the stage where I needed some assistance.

I had a chance to rent out my land. I was offered from \$12 to \$15 per acre as rental for my land. I was of the opinion that if someone could pay me from \$12 to \$15 for my land, then surely I could make something out of it myself which would be good income.

I did not want to rent my land, so I approached Mr. Jones in connection with getting a loan in order to buy some fertilizer. I made arrangements for getting my own gasoline, because I had my own tractor. But I did not know whether to start working up my ground or not.

After talking with Mr. Jones, I said to him: "Now that you are here, and you have all the information at hand, and the Indian office is here in the town of Highgate, and the fact that I have a spring right there, everything would seem to be in order for me to get this loan."



As a result, I went ahead and started to work my ground. I worked upon it once—in fact the man who did not need the money very bad always got it easier and at a lower rate of interest than the fellow who needed it. There is no difference between you and the rest of us, when establishing ourselves in western Canada in the early days. It always used to provoke me. I have been in many arguments with bank men about this question. These people lend you an umbrella when it is not raining and take it away from you when it starts to rain.

Chief PETERS: If I was to ask you for something you would know right away whether I was good for it, because that is your business. We would like the department to act the same way. When we ask for something we would have more respect for a man if he told us right there that we were not entitled to it, and told us why we were not entitled to it. We could understand that. It is not good when they leave you with a half promise. They say: "all right, you are going to get this". And about a month afterwards when you have made your plans they say, "no, we are sorry. It is turned down". I would be much happier if the guy told me to my face, "you do not deserve this. You are not entitled to it". That is all right, then I am satisfied. I have asked my questions.

Mr. HENDERSON: Mr. Chairman, the same thing is happening today in regard to agricultural loans in western Canada. Non-Indians or Indians are all receiving the same treatment.

I received a letter yesterday from a boy who has probably got \$20,000 worth of equipment. These officials have been fooling around all spring in respect to making this boy a loan. The loan has been passed at one stage, and then it has not been passed, and then it has been passed, but I had a letter from him yesterday saying that nothing has developed yet. This fellow has already put his crop in on this farm. The owner told him to go ahead. This boy has brand new equipment and does not owe a dollar on anything, yet he is having the same trouble that Chief Peters has had, and he did not have a dime. This boy is in perfect financial shape. He is not farming on poor land. This is the Peace river country, one of the swellest countries you ever saw in your life.

The VICE-CHAIRMAN: No advertising here now, Mr. Henderson.

Mr. HENDERSON: I understand the situation exactly. I was a soldier settler after the first world war. Of all the dirty rotten deals that anybody ever got they got from the Canadian government. I paid my loan. I was five years in the army but that did not make any difference. I went out there, and the people in the government had no more idea how the program should have been run than they had how to fly. I am still living and running the same farm. I paid my loan. I know exactly what Chief Peters is talking about. I know exactly the situation. It hurts, and it hurts not only Indians, but the other fellow as well.

Mr. SMALL: Are you suggesting that the people who run the government today do not know any more than those people in the early days?

Mr. WRATTEN: That is what he said.

Mr. MISKOKOMON: Mr. Chairman, ladies and gentlemen, I would just like to elaborate a little bit further before we conclude this subject. I know this is a very important subject, and I am speaking of the question about the 25 per cent down payment. We feel this is a little high. We feel that it is too high. We are not children, and when we go into something we go into it with open minds, and as intelligently as we can. We figure the facts out before hand. Then we set our plans. We set our program and we go into this thing on the basis that we do not have it now, but we will strive to start it next year. But how do we get that money to start? It is not just a question of the 25 per cent down, it is a question in respect of farming. First of all you must consider your breakdowns. Even on new equipment you must consider breakdowns. You must consider your labour costs and you have to consider rent, fuel, insurance and

a lot of other things. Now, you must lay money aside, hold this cash in your pocket to cover these expenses. How do you get that money? We go out and work by the hour or by the week or by the month for the highest wages we can get. We scrimp and save, depriving ourselves and our families to get enough money to go into this program. When you finally have accomplished that goal you apply for a loan. The first thing the department requires is 25 per cent down. You have all this money you have put aside for these other things and you have to dig up that 25 per cent. You take this money and you get your equipment. How are you going to handle this equipment, and how are you going to operate it? You have to maintain it, but how are you going to do it and at the same time carry on with your program in an intelligent way, and according to the rules that are laid down by the Department of Agriculture?

I might stress a little further, gentlemen, that I have had a little experience in farming. I am not a farmer in the sense that I am an established farmer. I try very hard. I try to the extent that I have a man employed as a professional farm consultant. I think I have one of the most modern methods, and most scientific methods at my disposal right now that I could have. It costs money. I have to pay \$1.50 an acre on every acre I farm in order to have the soil analyzed. I have a man at my disposal who will come down to my farm at any time. He lays out the program for me, and the program is different than the program laid out by the Department of Agriculture. It is a thorough program which gives you the answer to the soil requirement that is needed for any piece of ground. This program is so thorough that I can call this man on the phone at any time and tell him that I want to change my plans by putting in corn instead of soya beans. Within half an hour he will phone me back and give me the change according to the numbers. You people probably know the system. He will tell me to put in lime, or potash, or nitrogen, or phosphate, etc. He will tell you exactly what to put in. You can see that we are not going into this thing like my forefathers did when they had a different set-up, and when they plowed the field, planted and got something. We do not do that, today. We make the field produce in the same way as mass production is performed today in the United States. We make that field produce to its capacity. If it does not, it is not satisfactory. We know the margin of profit on a bushel of corn is only so much. We must get every bushel out of the field that we can. If we do not get that, we are going to lose.

I am speaking to you gentlemen with the idea of giving you the impression that we are going into this thing with our hearts. We are not going into this blind as our forefathers did. We are going into this under modern conditions as they exist in our country today.

The VICE-CHAIRMAN: Are there any further questions in regard to section 19?

We will consider section 20 now. Have you anything to say with regard to this section?

Chief PETERS: I was the individual that brought this question up at our band meeting on the Six Nations reserve. We had all the bands come in when we were discussing this. This suggestion more or less landed like a bomb-shell when we brought it up. As a matter of fact, the reason I brought it up was because of the Indian Act, section 34, which says:

A band shall ensure that the roads, bridges, ditches and fences within the reserve occupied by that band are maintained in accordance with instructions issued from time to time by the superintendent.

I object to that one portion that says the superintendent will issue instructions. I do not feel that the superintendent alone should issue the instructions when we have a band council that looks after the roads.

Now, I figured that what you were trying to do was change this so that the superintendent would not be giving all the orders. We are looking after our roads. We work on our roads on our reserve the same as they do in any municipality.

Senator HORNER: You would like to add the words "and the band council"?

Chief PETERS: Yes, that was what we thought; "and the band council".

I wanted to bring it to your attention that the superintendent did not have to order us to do this. We know this had got to be done and we do it.

I thought this was a little thing which would not take more than five minutes, but it ended up with a lot of discussion taking maybe two or three hours.

The VICE-CHAIRMAN: Chief Peters, it has been suggested on many occasions before that this whole section should be removed. I cannot assure you that that will happen, but it is being very seriously considered. I can say that.

Can we move to our consideration of section 21?

Chief HILL: Before we move to section 21 there is one thing I would like to say about section 20.

At the Caradoc agency, which includes the Oneida reserve, we have a number of culverts that we would like to have put in. There is one thing I would like to know, and perhaps Colonel Jones can tell me. The Oneida band is low in band funds. We have no band funds there to help us along. Does this need come within the federal appropriations?

At the present time we have five culverts, or places that need culverts along the road. These are places that go along the road in the ditch. When I left the Oneida reserve to come down here there were five spots there. One place was on the right of way beside one of our schools, and the water was six feet deep along the right of way next to the school. The Oneida band council feels that there is some money there for this. I would like to ask you if this money is available there in the federal appropriations to put in these five culverts. It has got to be done immediately. This cannot be held over until next year. These appropriations must come from the federal government, and this must be done immediately. Those were the conditions when I left the Oneida reserve to come here. There are young people living there. There is a family that lives right next to the school and the children are two and three years old. The lady who lives by this culvert is continually worrying and watching these children so that they do not get into this open ditch.

The VICE-CHAIRMAN: Chief Hill, I think if you go down to the department and talk to Colonel Jones, he may be able to help you straighten this out.

Chief HILL: Well, I thought that as I am going to leave shortly, perhaps I will get some kind of an answer.

Mr. JONES: I am at a disadvantage, Mr. Chairman, suddenly dealing with a local problem. We have money appropriated by parliament each year for certain road work across Canada in Indian reserves, which is supplemented by band funds which they supply themselves. As to the five culverts at Oneida, I think the chairman's suggestion is very good. If you could come down and talk with our road people we might come to grips with it; but I would not promise right now that we are going to put in five culverts. I am at a disadvantage, and I think you realize I cannot talk off the cuff on local conditions. I am most sympathetic, and if you come down and talk for about fifteen minutes with us, we could see whether we could borrow a few dollars from another source to help out.

Chief PETERS: With Chief Garlow gone, I cannot push this one over on him. The reason this is in here is because of the situation on Walpole island.



They have some oil and gas. They have had many offers for the oil on their island. There is oil and gas there, and they have had fairly good offers on leases, but they could not go into any lease on account of this. It was passed in July, 1924, bill 194, the House of Commons of Canada, and section 6 is where the provincial government gets 50 per cent of this oil that is taken off the Indian reserves. I am not familiar with this phase of the oil business at all, but we have two men from the Walpole island reserve here, and they brought this up and asked if we would have it on our brief, just to bring it up for that reason, that any time there was any agreement made between the dominion government and the provincial government—I will read it out—

That any agreement or statute between the federal government and the provincial governments, respecting Indians, in the Dominion of Canada be forwarded to all Indian band councils for their approval or disapproval, before any such agreement is put into effect.

That is the agreement where the province gets 50 per cent, which seems to me no one knows anything about. That is the consensus we had at this meeting we held. We have oil leased out on our reserve, and we never got any oil, but we more or less had leasing rights, and leased it for so much an acre through the department. I never thought there were any problems, and maybe we would not have thought that if we had not struck oil. That is what is holding it up at Walpole Island. They figure the province is not entitled to anything on their reserve, that it is not entitled to 50 per cent of their oil.

The VICE-CHAIRMAN: I think Colonel Jones would like to comment on this.

Colonel JONES: That agreement was signed in 1924. We have had several conferences in this last year with the Ontario people, to see if we cannot have this agreement re-written. One of the reasons is the desire of the Walpole Island band to surrender their land for leasing for natural gas. I think we are making progress, and I would agree with that recommendation. That is what I will try to do, to keep in touch with the bands. There will be another meeting in Toronto next week on this very thing, and we are hoping we will be able to announce a new deal on minerals in Ontario.

Chief PETERS: Thank you.

The VICE-CHAIRMAN: Does that answer that, chief?

Chief PETERS: Yes, thank you.

The VICE-CHAIRMAN: No. 22?

Mr. MISKOKOMON: Mr. Chairman, honourable Minister, ladies and gentlemen, section 58 is referred to in article 22 of our brief. I would like to make it as fast as possible, because I realize we have to try to finish by eleven. You could read it, and I would try to explain the reason why we are putting this particular underlining statement in there. We feel that when there is land to be rented—as in the case of the estates on various Indian reserves—we are suggesting this be brought to the attention of the council of the band in that particular area.

The way it is handled at present it is fully under the control of the minister and her representative, who is our local superintendent. He, in turn, probably unknowingly, puts these places out for lease and we have to compete with the non-Indian. In some cases we have young boys—or I should say, young men who are very anxious in our area to perform their duties in agriculture. We are on possibly some of the best agricultural land in Canada, in the area from which we come. These young men realize that they want to start in the agriculture field, so the first thing they are faced with competition with the non-Indian on Indian reserve lands. We feel if this part was added to this particular section, when an Indian has an estate to be rented it will



be brought to the band council, and we will then know of any young fellow who wants to start up, and we could suggest to our superintendent: "Here is Mr. So-and-so, and he is looking for more property." In my own case, when I started up, I was working in the woods in two and three acres of land, and some of the finest sections of our reserve were in hundred-acre lots, and larger. It is not the same today, but we would like to give our own boys preference. That is why that is added in there.

The VICE-CHAIRMAN: Any questions on section 22?

Mr. FANE: It sounds fair enough.

Hon. ELLEN L. FAIRCLOUGH (*Minister of Citizenship and Immigration*): Yes, I think so.

The VICE-CHAIRMAN: No. 23 was dealt with. No. 24, section 50.

Mr. FANE: That is covered by section 22, is it not?

Mr. MISKOKOMON: I think that could be tied in with article 22, which was spoken on. It is a similar case.

The VICE-CHAIRMAN: Yes. Section 76, under No. 25?

Chief PETERS: Pardon me, Mr. Chairman, did you pass over No. 24? Could I ask a question on that?

The VICE-CHAIRMAN: Yes.

Chief PETERS: Where it says:

—with the consent of the band council—

That is put in because when a person marries outside and they have some property on the reserve they cannot hold that property, and it is put up for sale. In a lot of instances, maybe the person who would want to buy it has not had the privilege to buy it. Maybe it is sold without the consent of the band council. In one section here I believe it allows a person to sell their land to another Indian, or something like that; but in all these cases what we have been trying to do with our band council is to have the band council have the lease brought to them. In some bands they do not have to come to the band council with the lease, but in others we do. We have this passed for the band council to have an interest, because we are going to have the lease on our reserve. We could not do them any harm by this, but we possibly could do them some good. When it goes on sale it would then be with the consent of not only the superintendent but also the band council. We are going to work along with them, and not oppose them; but we would like to be in on it.

The VICE-CHAIRMAN: Section 76, No. 25?

Chief ADAMS: Section 76—where it says,

(2) Delete—

That has been brought up by band members. They feel they are deprived of a vote, because they are living outside of the reserve. They are very intelligent people and reside outside the reserve, because their work takes them away from there because of the requirements of their families. Since this is the case, they feel they should be granted the right to vote. They are very intelligent and smart people, are members of the band, holders of money and holders of property; and they feel they should be given the right to select whoever has the ability to look after their affairs. I want to impress upon the committee they feel they are deprived of this. It is their right; and I am sure you will take care of it.

The VICE-CHAIRMAN: Chief, the minister wishes to make a statement on that.

Mrs. FAIRCLOUGH: We agree with you chief; and when there are some amendments being made, I think that is one of the things that will be taken care of. We think you are absolutely right on that.

Chief ADAMS: That is fine.

The VICE-CHAIRMAN: Are there any comments on that?

Chief MEWASIGE: Mr. Chairman, and Hon. Minister at the start of our meeting here I think Mr. Miskokomon, had said that if anybody had something else supplementary to the brief, we could present it over here. I have some things that I had been waiting to present to this committee. This is something in the line of engarnishment, when you are working on your own particular reserve.

On our reserve there we have a sulphuric acid plant established, right on our Indian reserve. We have been garnished by some of the local merchants that we have been dealing with. I think this is contrary to section 88 of the Indian Act.

I have written to Mr. Howard, and in fact he has written to me and informed me that the grievances I had should be put to this committee.

At that particular time I was only concerned about this section 88, I have written a letter to Mr. Howard concerning that section, and decisions of the courts at the time. This is a pretty lengthy letter. I do not know whether I would have time to read it. I would think that if we could talk this over again possibly this afternoon maybe I could elaborate more.

The VICE-CHAIRMAN: Could you go down to the department and talk it over with the people there?

Chief MEWASIGE: Well, I have been writing to the department and I never have received satisfaction as far as this thing is concerned. Of course, if I got some satisfaction I would agree to go down and see the people at the department. I have some other problems which I think were supposed to be brought up in this committee.

The VICE-CHAIRMAN: Well, it is up to the committee whether they want to continue this afternoon or not. I do not know how the committee members feel about continuing this afternoon for a while, but if you have other matters you wish to bring up I think we should give you the opportunity of doing so. Are the committee members agreeable to meeting at 2.30?

Senator HORNER: I am agreeable.

Senator MACDONALD: Probably we should give these gentlemen this opportunity.

The VICE-CHAIRMAN: Yes. These people have come a long way to give us their opinions and I think probably we should arrange to hear them.

Mr. THOMAS: Are we going to hear from the people in respect of this Elizabeth Fry Society?

The VICE-CHAIRMAN: We did not receive a request from them to appear before this committee.

Is it satisfactory to the members of this committee to meet here again this afternoon at 2.30? The bell is ringing now and we must go to the House of Commons. We will adjourn now until 2.30 this afternoon.

## AFTERNOON SESSION

FRIDAY, June 24, 1960.

The VICE-CHAIRMAN: We have a quorum now, gentlemen, and we will start..

I believe Chief Mewasige wishes to start off.

Chief MEWASIGE: Mr. Chairman, ladies and gentlemen and members of the committee, I wish to express my feelings in respect of section 88 of the Indian

Act. Some of our members who are working on the reservation in the sulphuric acid plant established by the Noranda Mines Limited have been garnisheed by certain merchants of the surrounding area. These are members of the band who are working at that particular plant. I myself think this is contrary to section 88 of the Indian Act.

I wish to read a letter which I had directed to Mr. Frank Howard, of this committee last year. I had thought it would be presented to this committee before this time. In reading the Hansard of last year and this year I did not see anywhere where this thing has been presented to the committee as yet. This is quite a lengthy letter. I have loaned a copy to Colonel Jones. I will read the first two paragraphs. This letter is dated March 24, 1959, and is addressed to Mr. Frank Howard, M.P., House of Commons:

Dear Sir:

I acknowledge receipt of your letter dated March 4th regarding a proposed amendment to the Indian Act, and I may say that I am in favour of the bills that you have introduced in parliament and having discussed it with the members of my band council and the members of my band, I am prepared to give support to this bill.

You have asked if there were other matters to be introduced on the committee on Indian affairs; one of the matters that has given me and our council some trouble is with respect to the interpretation of section 88(1) of the Indian Act. In a recent case in the seventh division court of the district of Algoma, the wages due to a member of our band were stopped according to a direction to garnishee sent to Noranda Mines Limited at Cutler, Ontario, where this member was employed. The company paid the money into court under protest, pleading that wages paid to Indians employed on a reserve are not subject to garnishee proceedings at the instance of any person other than an Indian, and directing the court's attention to section 88(1) of the Indian Act. A formal dispute was subsequently entered by our solicitors but Judge J. H. McDonald of the 7th division court of the district of Algoma ruled that the wages could be garnisheed as they were to be considered as personal property outside of an Indian reserve.

I will not take the time to read the whole thing. I gave a copy to Colonel Jones.

The VICE-CHAIRMAN: Are there any questions on this particular matter?

Mr. WRATTEN: Is this mine on the Indian property?

Chief MEWASIGE: Yes.

The VICE-CHAIRMAN: You do not mean the mine?

Chief MEWASIGE: No. The plant is on the Indian property.

The VICE-CHAIRMAN: The plant where your people work.

Chief MEWASIGE: The plant is on the Indian property and the name of the company is Noranda Mines Limited.

The VICE-CHAIRMAN: Are there any further questions on this matter of section 88?

Mr. LEDUC: Has the land been sold?

Chief MEWASIGE: No; it is leased.

Mr. JONES: Apparently the court ruled that the wages could be garnisheed as they were to be considered as personal property outside of an Indian reserve, and it seems the recommendation is to amend section 88 of the act to make sure that wages of Indians cannot be garnisheed.

The VICE-CHAIRMAN: Are there any further questions on this matter?

Mr. WRATTEN: Does the gentleman think that the wages of the Indians should not be garnisheed on any job they are on?

Chief MEWASIGE: No; but this is on a reserve. Section 88 reads.

88. (1) Subject to this act, the real and personal property of an Indian or a band situated on a reserve is not subject to charge, pledge mortgage, attachment, levy, seizure, distress or execution in favour or at the instance of any person other than an Indian.

Mr. WRATTEN: I know that this problem has come up time and time again of not being able to lien or get your money from a person on the reserve if you go down there and do work for them and things like that. Probably that is the reason why the judge gave the decision the way he did, that the plant was on the reserve and operated by a company but that the Indians were there and earning wages the same as anybody else and therefore would be subject to the same conditions.

Chief MEWASIGE: That is the reason why I came here to have this particular section clarified so that an Indian cannot be garnisheed while working on his own Indian reservation.

Mr. KORCHINSKI: In this case a lease is involved.

Chief MEWASIGE: Yes; but it is still Indian land.

Mr. KORCHINSKI: But you have leased the property. When you lease property owned by somebody else while you have that lease you can do whatever you like with it according to the agreement.

Chief MEWASIGE: In this regard the bookkeeper of this company protested against paying this garnishee to the courts. It was always under protest on account of the Indians being employed on the reservation.

Chief PETERS: Whether or not Indian land is leased it is still on the Indian reserve. In the section it just says on the Indian reserve and does not say anything about a lease. It is still on Indian reserve whether leased or not.

Mr. MUSKOKOMON: Mr. Chairman, and members of the committee, have had experience dealing with this type of situation off the reserve. In the particular plant where I work I have been representing these gentlemen for quite a number of years. Occasionally we come across the same thing. I am speaking of a non-Indian organization. Usually the procedure is that if a person owes money to an individual company or corporation that person who has money due him takes certain steps and a certain procedure in a certain length of time to collect this.

I think the point Chief Mewasige has omitted to relate is that there were no steps taken at any time to inform the person owing the money that he was behind or was in arrears of payment. I think it is only fair that they should have done that. I think they should have taken that legal proceeding, getting this person who has a certain obligation to perform, and pay his account. I do not think they have done that according to the way I understand it should be done, and I am familiar with the problem.

I think it is only fair, regardless of whether you are on an Indian reserve or off. In the case of a non-Indian there are certain steps that they must take. They say that you are in arrears, and you have to make a payment by a certain time or there will be a garnishee on your wages. I believe in this particular case there is an exception there. I do not think they took those steps. I think that is probably why they are protesting. They are not protesting so much because they are trying to get out of that obligation. I do not think that is the case. I do not think these systematic steps were taken.

The VICE-CHAIRMAN: Are there any further questions in regard to this matter?



Have you anything further to bring up, Mr. Mewasige?

Chief MEWASIGE: That is the only thing I had at the present time to bring up about that. I just wanted to have it clear so that this garnishee business should not be carried out on the Indian reserve.

The VICE-CHAIRMAN: I am afraid, chief, that there is nothing we can do regarding a court ruling unless, of course, you want to appeal to a higher court. The court has given a ruling on that particular case and it is not within the jurisdiction of this committee to argue against a ruling of the court.

Senator HORNER: Did the court take regard to the fact that this property was leased by a company? Was that the basis on which the court made its decision?

Chief MEWASIGE: I will read the second paragraph again;

You have asked if there were other matters to be introduced on the committee on Indian affairs; one of the matters that has given me and our council some trouble is with respect to the interpretation of section 88 (1) of the Indian Act. In a recent case in the seventh division court of the district of Algoma, the wages due to a member of our band were stopped according to a direction to garnishee sent to Noranda Mines Limited at Cutler, Ontario where this member was employed. The company paid the money into court under protest, pleading that wages paid to Indians employed on a reserve are not subject to garnishee proceedings at the instance of any person other than an Indian, and directing the courts' attention to section 88 (1) of the Indian Act. A formal dispute was subsequently entered by our solicitors, but Judge J. H. McDonald of the seventh division court of the district of Algoma ruled that the wages could be garnisheed as they were to be considered as personal property outside of an Indian reserve.

Senator HORNER: I see, the judge ruled that the wages were considered to be personal property outside of the reserve.

Chief MEWASIGE: Yes, but this plant is situated within the boundaries of our reservation.

Senator HORNER: I suppose the fine point of the law is the lease under which the company operates.

Mr. WRATTEN: I would suggest that probably the fact that it is a non-Indian company leasing land on Indian property has something to do with it.

Senator HORNER: That is so. That must have been the reason.

The VICE-CHAIRMAN: Probably the company's head office being outside of the reservation would have something to do with it as well.

Chief MEWASIGE: No, their office is inside the reservation.

The VICE-CHAIRMAN: Their office is on the reservation?

Chief MEWASIGE: That is right.

Mr. STEFANSON: To whom was that money owing and for what?

Chief MEWASIGE: There was one debt owing to the Armstrong growers association. I do not know what that is.

Mr. STEFANSON: The point I am getting at is that these companies must have tried to collect this money from the Indians before they took this type of action.

Chief MEWASIGE: I do not know. I could not tell you anything about that. There have been garnishees coming into that office since the start of the operation there.

Mr. STEFANSON: I would think that a garnishee would be the last course a company would take. Surely a company would try every other step to collect this money before garnisheeing the man's wages.

Senator HORNER: If the debt owing involved the purchase of something necessary to the individual's livelihood, such as groceries, then I would have sympathy for the person who advanced the credit; but if it involved some article that was sold to the Indian and which he really did not need, I would not be so sympathetic.

Chief MEWASIGE: I do not think it is exactly a case of getting something without paying for it. I mean, these men were steady workers and they should have been given a chance to pay these debts, even if they paid \$3 a pay day. But I do not think it is right for the company to go ahead and garnishee the man's wages because he is working there now. They owe the money. I do not know how much money it is. The amount was under \$50 anyway. The company just sent the garnishee in whether the individual liked it or not without even asking for payment first.

The VICE-CHAIRMAN: Has this happened on more than one occasion?

Chief MEWASIGE: It has happened on more than one occasion.

Mr. STEFANSON: Do you know how long a period of time this money was owing for?

Chief MEWASIGE: I cannot tell you that. They did not tell me how long it was owing.

Mr. WRATTEN: Mr. Chairman, this is a very touchy subject, and I realize that it is because of my own experience in Brantford. There are good and bad people among all races; among the Indians as well as among the whites. We run into this type of trouble often. It is well known among the smaller business men in Brantford that you cannot sue an Indian if he is paying for goods purchased from Indian funds. This situation has caused a good deal of trouble. I have received letters from individuals who have got into trouble with the Indians down in that area. They ask me why the Indian Act is not amended so that they are able to sue the Indians and get their money back.

There is another angle to this problem. It is unfortunate that some people will buy things, or go out and have work done, and then tell the person to try and collect for it. This gives the impression that all the individuals on the reserve are bad.

I suggest that for these reasons this is a very ticklish subject to handle. There are many merchants and businessmen who feel that they should be able to sue an Indian whether he lives on the reserve or not. However, I know from past experience that a businessman will not garnishee anyone's wages until he has tried in every other way to collect the account. It involves an expense to file a garnishee, and I cannot see any businessman suing an Indian unless he has tried every other possible way to collect the money.

You must also remember that the court will only allow so much of a man's wages to be paid against the debt each month. If the debt amounts to \$50 the court will not grant the whole \$50 at once, but will spread the amount over a period of three weeks, or three months, or whatever the court feels the individual can pay. The man perhaps has a wife and family to support, and the courts recognize this fact.

Chief PETERS: Mr. Chairman, I would like to have a word on that. The rules and regulations which have been put into the Indian Act are put in there for a reason. There are different reasons why they were put in there.

You heard a man say this morning that, in the past, an Indian has sold 900 acres of land for \$9. We have had cases where exorbitant prices are charged for an old car. These prices are charged because they know the Indian has not the money and, if he wants the car, they put a big price on it. If they get the down payment, it probably would turn out that was the price of the car in the first place. Things like that happen. I do not agree that, if they

owe for a grocery bill, that they should get away with it. Everyone who is in business, has to have his money. However, that act is a protection for the Indian. All the guys in the world are not honest. Just because you are in business does not say that you are honest. There are some guys who will take advantage of you. That is why it is in the Indian Act, it is a protection. When they are dealing with an Indian they know the rules and regulations of the Indian Act. They know before they sell you \$100 worth of material they cannot take your personal property, but there is nothing in there to say you cannot sue an Indian. But the fact is, the Indian Act has both good and bad points in it. We are arguing about the things we do not like about it. There are some things in there which are a protection for us, and they are put in there for a reason.

The VICE-CHAIRMAN: Is there any further discussion on this matter?

If not, is there anything else you wish to bring up? Do any of the witnesses wish to bring up any other matters?

Chief MEWASIGE: No.

Chief ADAMS: Mr. Chairman, I would just like to bring up one thing—and I do not want to take up your precious time. However, this is in regard to landing on the St. Clair reserve. We have one acre left of river frontage. As far back as I can recollect, the Indians have crossed to and fro the St. Clair river without being molested or interfered with. Lately, we have been stopped. As I stated a couple of times this morning, the Sarnia reserve was reserved for our own use. We land in there sometimes. The boys will cross over and fish, or get off over there and pay somebody a visit, get a bottle of pop or potato chips, and so on. The law claimed that we were coming from another country and, when we are penalized, we feel that we are being unjustly treated.

I would be pleased if the members of this committee would take that into consideration, and see if anything could be done about it. All we are asking for is to be granted the right we have had for years and years—to go across the river there and land back there. However, if there is anyone violating the customs regulations or smuggling something, he should be penalized. But, why penalize all the members. We think it is very unfair. Before confederacy, we always had that right. As far as that is concerned, at one time we were considered North American Indians. We have not much left. If you would give us that right, we would be very thankful.

The VICE-CHAIRMAN: What has caused them to do this?

Chief ADAMS: They claim we are coming from another country.

As far as the government of the United States is concerned, they do not stop us. All they ask us to do is this. We have our boats numbered and, if we register them once, that is all right. We land over there, and there is no interference. However, in our own country, once in a while, they knock us off because we are coming from what they consider is another country.

The VICE-CHAIRMAN: Has anyone been penalized for bringing anything back?

Chief ADAMS: Yes, they have been penalized a \$10 fine, and they want to seize their boats.

The VICE-CHAIRMAN: For bringing goods back from the United States?

Chief ADAMS: I do not think anyone has been caught, but from landing on the American side and landing back over on the reservation. We have only about one mile of river frontage there.

The VICE-CHAIRMAN: Are they supposed to have free access back and forth, Colonel Jones?

Mr. JONES: I understand the mounted police have issued instructions on behalf of the department responsible for customs that they want the Indians of the Sarnia band to clear through one of their ports coming back from the American side. I believe that is the case.



Senator HORNER: And have they a convenient port there?

Chief ADAMS: It is a mile away from where some of our people live. It is a mile to the right, towards Sarnia, and a mile the other way. Some of these boys work at the Detroit Edson power plant, and work long hours. Sometimes they come home at midnight, and it is very inconvenient for them. I am positive they are not committing a crime. They have had that privilege for years and years.

Mr. WRATTEN: Do they go across the river to work?

Chief ADAMS: Yes, sometimes.

Years ago they went over in canoes; then they got down to rowboats, now they are down to power boats.

At times, they work there, and come home at midnight after working overtime.

Senator HORNER: Would it be out of their way to go to one of the ports?

Chief ADAMS: Yes.

The VICE-CHAIRMAN: Are there any other questions on that?

Are there any other matters you wish to bring up?

Chief ADAMS: I would just like to ask, Mr. Chairman, what will be the results of this. Will it go before the hon. members for consideration and, if so, what will be the procedure after that?

The VICE-CHAIRMAN: Everything you have said has been taken down. We go through the report, study it thoroughly, then consider what changes the committee should recommend. Then, a report will be made to the House of Commons and, if the House of Commons agrees with the committee report, the changes will be made. If they do not agree with it—well, that is a different thing.

Chief PETERS: Mr. Chairman, I have one question to ask of Colonel Jones. This is not a controversial question, but an ordinary one.

Mr. JONES: I am glad to hear that.

Chief PETERS: My question is in regard to loans. I was wondering if it would be possible, instead of having band loans, if they could go and ask for a loan through the bank. Would that be possible? I am thinking of the hydro. Could the band recommend a loan to a person, and then that person go to the bank and work through the bank?

Mr. JONES: I do not follow you.

Are you asking if the band has authority to loan money to a member?

Chief PETERS: Well, no. Could the band recommend to a bank that a person from the band could get a loan from the bank, and repay it?

The VICE-CHAIRMAN: He wants to know if the band could make a recommendation to a bank for a man to get a personal loan?

Mr. JONES: I am glad you mentioned that, because somebody said yesterday or today that Indians, through the regulations of the Bank Act, cannot borrow money.

We have gone into this very thoroughly with the Canadian Bankers Association, and there is nothing excluding Indians, anywhere in the act or regulations, of which I am aware; it is section 88 of the Indian Act which makes a bank look twice before they make a loan to an Indian. However, there is nothing in the banking regulations.

I would think that it would be a gesture of good-will and good faith, but nothing else, if a band guaranteed a loan to the bank, because the opinion we have is that a band or council is not a legal entity.

The VICE-CHAIRMAN: I do not think he said to guarantee a loan, but to recommend him for a loan.



Chief PETERS: Well, we would practically have to recommend it.

When we had the hydro on the reserve we had to guarantee from band funds the hydro would get their payment if members failed to pay. Could we not work that same system in connection with loans? Say a person wanted to borrow \$200 or \$300 from us, we could refer him to the bank. I think it is very essential in this set up we have now—where the Indian department, where the committee and everybody else wants us to take over our own affairs more. We feel if a person on the recommendation of the council could go to the bank and possibly establish his credit to a certain extent, on his own, with the banker, under this system it would help the band out if the bank made these loans—if we knew a person would not want to make off and, in fact, would want to pay it back. When you get loans off the band the thought may be, "That is part of my money, and why pay it back straight away?"

That came out at the council meeting and we would like to have that system, where we would recommend to the bank, give them a guarantee, that the payment could be made out of band funds, the same way as they work the hydro on the reserve.

Senator HORNER: Of course, if the complaints about section 88 were removed entirely, it would immensely improve the credit of the Indians throughout the whole of Canada. You could then finance; you could then go to the bank. The bank is now faced with the proposition that they have to report to head office, and obtain security, I imagine. Imagine a young banker, starting in, making a loan of that kind, being asked what is the possibility of collection if it came to the worst. He would have to report "nil", because he could not sue on the reserve.

Chief PETERS: There are many problems connected with the reserve. There are differences of opinion from the different reserves. I would not like to say this should be done. The people that made up this do, and there are a lot of things, possibly, which do not affect us in this section of our country, but possibly would affect people in some other sections.

It was just a question, I thought if it was possible to take individual hands, like under the provincial welfare system of the provincial government. We have our choice on it, as to whether or not we want to go under that or not. If you go along willingly then, naturally, you will try to make it a success. We are asking for that privilege: could we go along with it? If it was done in connection with the hydro, without changing the act, it could apply to loans too; it is the same principle.

The VICE-CHAIRMAN: It is the same principle as the Farm Improvement Loans Act. The Canadian government guarantees a portion of the loan to the bank. It seems a very reasonable request that you be able to guarantee the bank they would not lose if they loaned your people money. I can assure you the committee will give it every consideration, anyway, and will try to come up with some solution, through the department.

Chief PETERS: I think it is reasonable, because we are not asking for anything from any grant, but we are using our own money. Instead of them getting loans from us, and repaying us, let them deal with the bank, and then they can have a feeling of doing something.

The VICE-CHAIRMAN: Equality!

Chief PETERS: That is what we are trying to get.

Mr. BALDWIN: Would not the difficulty be because the band was not a legal entity the bank could not accept? It is like a group of individuals who are not incorporated. The banker could not accept their guarantee, and the only way they could do it is by taking the individual members of the band council

as individual guarantors. But if the band council becomes a legal entity, then they have a corporate existence and could guarantee. That is one of the present difficulties.

The VICE-CHAIRMAN: That is one of the present difficulties, but if that could be ironed out by this committee I think they would be quite willing to do something about it.

Chief PETERS: I do not want to go on record as trying to change the act. I want to work for something in our own reserve.

The VICE-CHAIRMAN: Have you any other matters you want to bring up?

I can assure you, as a body of four—two of you had to leave this afternoon—we appreciate the brief you brought before us and the way in which you have presented it to us. I can assure you the committee will give these remarks and this brief every consideration when they go to write their report. Thanks very much for coming.

Mr. MUSKOKOMON: Thank you very much, Mr. Chairman. I would like to express our appreciation to this committee for bearing with us and listening so attentively. We would like to express our very deepest thanks and appreciation for this opportunity of appearing before you; and also our deepest thanks to Colonel Jones for coming here and assisting, not only us but the members of your house.

The VICE-CHAIRMAN: I am advised by Colonel Jones that you will all receive a copy of the report of the proceedings in which you have appeared before this committee.

Mr. MUSKOKOMON: Fine.

The VICE-CHAIRMAN: Gentlemen, you will be notified when the next meeting will be called.

## APPENDICES

- Appendix N1    Answers submitted by Mr. Jones to questions raised at previous meetings.
- "        N2    Keesekoose Band, Saskatchewan (Additional Resolution)
- "        N3    Osoyoos Band—British Columbia
- "        N4    Similkameen Band—British Columbia
- "        N5    Okanagan Band—British Columbia
- "        N6    The Elizabeth Fry Society—Toronto Branch
- "        N7    Commissioner of the Northwest Territories

## APPENDIX "N1"

1. When the Federation of Saskatchewan Indians were here on May 25, 1960, Mr. Hardie asked the following question:

Mr. Hardie: According to the survey that was made there were 12 combines in the province, five, apparently, on one reserve, out of 21 reservations. I wonder if Mr. Jones could tell us how many of these were financed through the revolving fund.

*Answer*

During the fiscal years 1956-57 to 1959-60 there were 6 combines purchased for a loan totalling \$8,518. In addition 1 Grain Separator was purchased in 1952 in the amount of \$1,745. We do not maintain records of the combines purchased by Indians directly from dealers under conditional sale contracts.

2. When representatives of the Saskatchewan Indians appeared before the Committee the question was asked as to how many reserves in Saskatchewan had power lines extended to them for administrative or other purposes.

According to information obtained from the field, power lines have been extended to 44 Indian reserves. These are listed according to agency as follows:

*Battleford Agency*

Red Pheasant  
Mosquito Stony  
Sweetgrass  
Poundmaker  
Little Pine  
Saulteaux  
Thunderchild  
Onion Lake

*Carlton Agency*

Sturgeon Lake  
Little Red River  
Pelican Narrows  
*Duck Lake Agency*  
James Smith  
John Smith  
Beardy's

*Crooked Lake Agency*

Sakimay  
Cowessess  
Kahkewistahaw  
Ochapowace  
White Bear

*Shellbrook Agency*

Big River  
Sandy Lake  
Mistawasis  
Witchekan Lake  
Pelican Lake

*Touchwood Agency*

Day Star  
Poormans  
Gordons  
Muscowequan  
Fishing Lake  
Nut Lake  
Kinistino

*Pelly Agency*

Cote  
Key  
Keeseekoose

*Meadow Lake Agency*

Meadow Lake  
Loon Lake

*File Hills-Qu'Appelle Agency*

Piapot	Assiniboine
Muscowpetung	Okanese
Pasqua	Peepeekisis
Standing Buffalo	Maple Creek



3. When the representatives of the Federation of Saskatchewan Indians were here Mr. Hardie asked the following question:

Mr. Hardie: I wonder if Mr. Jones could give us an idea of the number of Indians who have received help by way of the revolving loan fund, or in any other way, towards commercial fishing in northern Saskatchewan?

*Answer*

We have prepared a summary of the amount of assistance that has been provided to Indians in Saskatchewan engaged in domestic and commercial fishing for fishing supplies and also ammunition given during the past 5 years.

Except for one revolving fund loan of \$380.00 the total amount spent to assist in commercial fishing has been through repayable advances. The amount spent on domestic fishing supplies and ammunition was not repayable. The details by years are as follows:

Year	Domestic	Commercial	Ammunition
1955-56.....	\$ 874.00	\$11,205.70	\$ 6,192.56
1956-57.....	8,907.79	20,487.55	8,616.43
1957-58.....	1,629.80	27,584.42	10,484.49
1958-59.....	3,727.20	19,530.06	9,794.85
1959-60.....	611.52	26,074.30	2,817.77
	<hr/> \$15,750.31	<hr/> \$104,882.03	<hr/> \$37,906.10

4. When representatives from the Blood Band were here Mr. Gundlock asked for school attendance at the various schools which serve the Blood Reserve and also the number of children from other reserves attending schools on the Blood Reserve.

The information by grade and school for the 1959-60 school year is as follows:

ENROLMENT OF INDIAN PUPILS FROM BLOOD RESERVE  
1959-60

SCHOOL	GRADE														Total
	K	1	2	3	4	5	6	7	8	9	10	11	12		
Blood (St. Mary's) Residential.....		85	71	50	34	61	34	30	25	15	12	12		429	
St. Paul's Residential.....	16	15	21	23	16	18	7	8						124	
STANDOFF Day.....	21	21	11	17	30	12	10	10						132	
Various Non-Indian Schools.....		12	13	14	15	8	5	23	5	13	4	8	8	128	
Totals.....	37	133	116	104	95	99	56	71	30	28	16	20	8	813	
		University.....													1
		Nurse's Training.....													1
		Nurse's Aide.....													1
		Total.....													816

Not included are pupils from other reserves enrolled in two residential schools in grades as shown:

K	1	2	3	4	5	6	7	8	9	10	11	12
1			1		1	1	1	1	3	1		10

5. When representatives of the Alberta Indian Association were here we provided information on the number of Indian students enrolled in post-elementary courses, and the amount of money authorized for educational

assistance, personal and clothing allowances. We were asked to provide this information for the other provinces as well. The information is as follows for the 1959-60 school year.

## PRINCE EDWARD ISLAND

## NON-INDIAN SCHOOLS

<i>Grade or Course</i>	<i>No. of Students</i>
Grade 9.....	2
University 1st year.....	1
University 2nd year.....	1
Commercial Training.....	1
	<u>5</u>
Amount Authorized for Educational Assistance.....	\$3,040.00
Amount Authorized for Personal Allowances.....	Nil
Amount Authorized for Clothing.....	\$ 726.76

## NOVA SCOTIA

## NON-INDIAN SCHOOLS

Grade 9.....	27	
10.....	16	
11.....	13	
12.....	4	60
University 1st year.....	3	
2nd year.....	1	
3rd year.....	1	
4th year.....	1	6
Teacher Training.....	2	
Nurse Training.....	2	
Commercial Training.....	1	
Trades Training.....	17	
Other.....	1	
	<u>89</u>	
Amount Authorized for Educational Assistance.....	\$43,890.50	
Amount Authorized for Personal Allowances.....	\$ 320.00	
Amount Authorized for Clothing.....	\$ 5,129.25	

## NEW BRUNSWICK

## NON-INDIAN SCHOOLS

<i>Grade or Course</i>	<i>No. of Students</i>
Grade 9.....	16
10.....	11
11.....	5
12.....	2
University 1st year.....	1
Teacher Training.....	1
Commercial Training.....	1
Trades Training.....	3
Nurse's Aide Training.....	1
	<u>41</u>
Amount Authorized for Educational Assistance.....	\$19,304.75
Amount Authorized for Personal Allowances.....	\$ 50.00
Amount Authorized for Clothing.....	\$ 1,679.68

## JOINT COMMITTEE

## QUEBEC

## NON-INDIAN SCHOOLS

Grade 9.....	54	
10.....	40	
11.....	10	
12.....	1	105
University 1st year.....	5	
2nd year.....	5	
3rd year.....	1	
Medicine.....	1	12
Teacher Training.....	6	
Nurse Training.....	2	
Commercial Training.....	20	
Trades Training.....	44	
Other.....	4	
		<hr/> 193

## INDIAN SCHOOLS

Grade 9.....	3
Total.....	<hr/> 196

Amount Authorized for Educational Assistance.....	\$109,187.00
Amount Authorized for Personal Allowances.....	3,452.50
Amount Authorized for Clothing.....	<hr/> 11,076.96

## ONTARIO

## NON-INDIAN SCHOOLS

<i>Grade or Course</i>		<i>No. of Students</i>
Grade 9.....	262	
10.....	138	
11.....	88	
12.....	47	
13.....	12	547
University 1st year.....	3	
2nd year.....	2	
3rd year.....	3	8
Teacher Training.....	13	
Nurse Training.....	10	
Commercial Training.....	32	
Trades Training.....	47	
Nurse's Aide Training.....	5	
Other.....	47	
		<hr/> 709

## INDIAN SCHOOLS

Grade 9.....	74
10.....	27
11.....	2
Total.....	<hr/> 103
	<hr/> 812

Amount Authorized for Educational Assistance.....	\$247,014.52
Amount Authorized for Personal Allowances.....	\$ 7,610.50
Amount Authorized for Clothing.....	<hr/> \$ 10,135.92 ] ]

## MANITOBA

## NON-INDIAN SCHOOLS

<i>Grade or Course</i>		<i>No. of Students</i>
Grade 9.....	25	
10.....	21	
11.....	20	
12.....	7	73
University.....	1	
Teacher Training.....	3	
Nurse Training.....	1	
Commercial Training.....	9	
Trades Training.....	15	
Other.....	8	
		<hr/> 110

## INDIAN SCHOOLS

Grade 9.....	59	
10.....	27	
11.....	10	96
Total.....		206
Amount Authorized for Educational Assistance.....		\$34,878.25
Amount Authorized for Personal Allowances.....		3,895.00
Amount Authorized for Clothing.....		\$ 1,911.12

## SASKATCHEWAN

## NON-INDIAN SCHOOLS

<i>Grade or Course</i>		<i>No. of Students</i>
Grade 9.....	76	
10.....	22	
11.....	27	
12.....	11	136
University 1st year.....	3	
2nd year.....	1	
4th year.....	1	5
Teacher Training.....	3	
Nurses Training.....	7	
Commercial Training.....	12	
Trades Training.....	10	
Nurse's Aide Training.....	1	
Other.....	2	
		176

## INDIAN SCHOOLS

Grade 9.....	47	
10.....	31	
11.....	27	
12.....	12	117
Total.....		293
Amount Authorized for Educational Assistance.....		\$93,508.20
Amount Authorized for Personal Allowances.....		\$ 6,553.00
Amount Authorized for Clothing.....		\$13,523.70

## ALBERTA

The figures for Alberta were given before as a total of 343 taking post elementary education for whom educational assistance of \$74,659.50, personal allowances of \$5,190 and clothing allowance of \$4,343.80 was authorized.

## BRITISH COLUMBIA

## NON-INDIAN SCHOOLS

<i>Grade or Course</i>		<i>No. of Students</i>
Grade 9.....	213	
10.....	160	
11.....	99	
12.....	51	
13.....	5	528
University 1st year.....	1	
2nd year.....	2	
Law.....	1	4
Teacher Training.....	5	
Nurses Training.....	2	
Commercial Training.....	5	
Trades Training.....	19	
Nurse's Aide Training.....	10	
Other.....	11	
		584

## INDIAN SCHOOLS

Grade 9.....	79	
10.....	21	100
Total.....		684
Amount Authorized for Educational Assistance.....		\$223,776.59
Amount Authorized for Personal Allowances.....		\$ 3,068.00
Amount Authorized for Clothing.....		\$ 6,837.30



## JOINT COMMITTEE

## YUKON

Grade 9.....	19	
10.....	6	
11.....	5	
12.....	4	34
Commercial Training.....		1
		35

Amount Authorized for Educational Assistance.....	\$27,969.00
Amount Authorized for Personal Allowances.....	\$ 2,185.00
Amount Authorized for Clothing.....	\$ 355.73

## NORTHWEST TERRITORIES

## NON-INDIAN SCHOOLS

<i>Grade or Course</i>		<i>No. of Students</i>
Grade 9.....	6	
10.....	3	
11.....	4	
12.....	1	14
Trades Training.....		31
Total.....		45

NOTE: The education of the Indian children in the Northwest Territories is carried on by the Department of Northern Affairs and National Resources under an agreement between the Department and the Commissioner of the Northwest Territories.

## APPENDIX "N2"

## ADDITIONAL RESOLUTION

## Keeseekoose Band, Saskatchewan.

Whereas it is recognized that all Indians are not interested in farming and further, that probably only a small percentage of them are interested and have the ambition and ability to carry on as farmers.

And Whereas it is felt that these Indians should be given a reasonable opportunity to farm.

And Whereas in the Keeseekoose Agency the policy of the Department has been changed from time to time throughout the years, with the result that there has been no actual encouragement given as far as getting established on farms is concerned.

And Whereas Section 20 of the Indian Act deprives the individual Indian from any security of tenure as far as holding land is concerned.

And Whereas the recent policy has been to rent land allotted to Indians for a period of five years, during which time the Indian concerned receives nothing whatever, with the result that all interest in farming has been lost by the time the lease expires.

And Whereas it is the opinion of the Band that the proceeds be invested each year in livestock or otherwise in order that the Indian could see some results and at least get started in farming operation.

Therefore Be It Resolved that Section 20 and Section 35 of the Indian Act be amended so that the Indian can have land definitely allotted to him, subject only to the authority of the Chief and councillors as to his eligibility and his endeavours in carrying out the farming operation.

Be It Further Resolved that the Department institute a long term policy to encourage Indian farmers by assisting them in raising cattle, poultry, vegetables, and other mixed farming products.

Be It Further Resolved that the present policy of placing of rentals in a common band fund be changed with the exception of proceeds of Crops shares from land leased in the name of Keeseekoose Band.

Be It Further Resolved that the words with the "approval of the Minister" be amended from paragraph 1, Section 20 of the 1951 Indian Act, and also Section 35 be amended the Interpretation given to us is that we do not own our Reserve land.

It is the opinion of the Band that the Chief and councillors have a knowledge of the Indians concerned and to them should be given the authority to decide which Indians the land should be allotted to and that such Indians should be given this opportunity and be encouraged in the raising of cattle, poultry, and other branches of mixed farming.

Chief Roy Musqua  
Councillor Bill Keshane  
Joe Straightnose  
Victor H. Shengoire

## APPENDIX "N3"

## BRIEF:

## OSOYOOS BAND—BRITISH COLUMBIA

Statement by Chief Manuel Louie of the policy of the Indians of Inkamep Reserve, Oliver, British Columbia.

- (1) We would like to have our Chief to hold office for about four years.
- (2) I don't want the police to come in our Reserve without my permission.

Signed:

Manuel Louie, Chief.

## APPENDIX "N4"

## SIMILKAMEEN INDIAN BAND—BRITISH COLUMBIA

*History*

The Indians were in this country for many hundreds of years before the white man landed in this country. At that time the only known boundaries were the oceans that surrounded the continent.

The natives of the country were the American Indians or Indian as they were named by the early explorers, who discovered this continent known as North America.

In those early days tribes of Indians lived on the continent and occupied certain lands which were recognized as their homeland. There they hunted game animals, trapped for furs, picked berries, dug edible roots and fished for their means of livelihood.

The Okanagan, Similkameen, Columbia and Kettle River Valleys were inhabited by a tribe of Indians who spoke a language or dialect known as Na-Seel-ak-chen, which is the Okanagan Indian language today.

The Indians lived a peaceful life except when other Indians invaded their territory. They travelled to other parts of the country to trade with other tribes. They generally exchanged food for food and material such as furs, hides and wild hemp for clothing. As time passed, horses were introduced through these exchanges. Thus horses came to our people and in times of hunger horseflesh was used as meat by the Indians.

The Hudson Bay Co., the fur trader and missionaries were the first people to come to our country. The missionaries came to teach the Indians the Christian religion and how to farm. Grains were sowed, thrashed, and made into flour. Also ground crops were harvested and planted. Many Indians worked among the fur traders and missionaries where they learned farming and the value of money and how it was used.

*Early Life*

Practices of family laws and tribal laws were handed down from one generation to the next generation and in that way these laws continued. Laws were whatever the Indian considered right for his survival and they were enforced with strict rules. The paddle and death were forms of punishment.

From these early times we had Indian leaders which consisted of warriors, hunters, fishermen, and scouts right down to berry pickers. Self government was understood and practiced by our tribes in each community across the country.

The leaders that were known to us were Chief Tonasket of the Okanagans, Chief Mose of the Columbia, Chief Sasertkin of Lower Similkameen in the

United States and later our leader Chief Joe Nahumshin, when the U.S. border was surveyed. There were other leaders too, such as Andrew Showdy and Ashnola John of Ashnola, B.C.

At that time Indians who settled in this country had places for their encampments and others had places where they grazed a few horses. After the gold strike, settlers came and squatted on some lands. Indians also started to take up land, doing the same as the white man and some Indians went into stock raising. Many of the white men lived with Indians in order to survive and lived the Indian mode of life, took Indian women as their wives. Thus from these connections, a peaceful family union and good feeling was achieved between the whites and Indians. Therefore, Indians were landholders before any formation of our government in British Columbia and they were on their land from 25 to 30 years before the first survey of Indian reserve.

The system by the Indians at that time on the lands were the same as those of the whites. Individual land ownership was recognized but they helped each other by work for pay or families worked together to fence their lands, and each used squatter's rights. Sometime in the late eighties and early nineties a land survey was taken and all the lands the Indians used were included in the survey. Also, surveys were made around Indian encampments. We want these to remain as they were when surveyed.

#### *Outline of our needs*

*Liquor*—The greatest problem of our Indian is liquor. Indians had the privilege in the past to purchase liquor from the State of Washington when the boundary was surveyed and British Columbia was separated from the State of Washington. Canadian Indians were classed as aliens and allowed to enter barrooms to purchase liquor. In the last three or four years the American Indian has been allowed to buy liquor in the State of Washington. Our Indians go to the State of Washington as seasonal help where they are able to procure the liquor during their stay and they come back to B.C. with less than they had when they left. This causes much hardship to their families. They then have to face the hard winters here on the reserves and have to ask for assistance. Therefore, we the members do not want liquor sold to Indians and liquor should be allowed only by referendum by the Indian Agency to Band Councils.

*Federal Vote*—Owing to our limited education and ability to understand law and order and because many of our Indians are unable to read and write in the older age groups and because in the younger age groups education is seldom beyond the elementary grades, we do not wish to vote.

*Education*—The Superintendent has been sending our children to the Kootenay residential school. We believe that if we had a school built in Penticton it would be near our homes and more children could attend school and take up vocational training.

There should be a portion of schooling for our older Indians and they should be given a chance to go to night school to take vocational courses.

*Housing*—We think our housing facilities should be increased and our buildings improved. Many members need homes.

*Social Welfare*—We believe that when we pay sales tax and federal taxes on our cars, clothes, etc. we should have the privilege equal to the white man to get help from the Department of National Health and Welfare. We want social welfare to include the Indians.

*Health Service*—We ask that dental care be included in our health services as many of our children's teeth have been neglected. We also wish to have a public health nurse assigned to our reserves to visit homes. Some of the babies and children that are not of school age have been neglected by not receiving the vaccination for polio, diphtheria, etc.



*Revolving Fund Loans*—We ask that our revolving fund be increased so that Indian people can have loans to purchase cattle, farm implements, land and build homes for younger people. We submit that the length of time for repayment be extended from five years to ten years, and the amount be increased from \$1,000,000.00 to much more.

*Hunting and Fishing Rights*—We want to keep our hunting and fishing privileges and to have a section in the Indian Act pertaining to our hunting and fishing rights on Provincial lands. To be able to fish and hunt without a special permit.

*Estate*—We ask that the question of estate be thoroughly investigated. We suggest that the branch adopt a system similar to that of the United States and appoint an examiner of inheritance. We Indians near the border of the United States have had some dealings with the Examiner of Inheritance through heirship lands and estates of our ancestors.

*Chief and Council*—We would like extension of the term for Chiefs and Councils from two years to four years. Also Chief and Councillors should be able to resign.

*Land Ownership*—The system of allocation of certificate of possession is satisfactory. We would ask that in relation to land inheritance and certificate of possession an accurate description of boundaries and an accompanying sketch be provided. These should have approval of the Council and be used in delineation of claims by Indians on reserve land.

We feel that any change in the Indian Act should be left to legal counsel.

Chief Joe Dennis  
Robert Dennis

## APPENDIX "N5"

## OKANAGAN BAND—BRITISH COLUMBIA

On November 22nd 1959, there was a meeting held at the Head of the Lake Hall.

Present were, Chief Jimmy Bonneau,  
Councillors: Tommy Gregory and  
Ed Bonneau

Also present were, Chief Joe Dennis of the Similkameen Band also  
Councillor Robert Dennis of the same Band.

Chief Manuel Louie from Oliver was also present; Other band members present were:

Mrs. Ella Bonneau  
Mrs. Annie Swallowel  
Mr. Billy Swallowel  
Mr. Pierre Jack  
Mrs. Alice Jack  
Mrs. Johnny Victor  
Mr. Jimmy Antoine  
Mrs. Theresa Dennis

Mrs. Mary Powers  
Mr. Speed Powers  
Mr. Andrew Thomas  
Mr. Joe Abel  
Mr. Alex Louie  
Mrs. Mariet Antoine  
Mrs. Margaret Louie

The neighbouring chiefs and band members were gathered here to discuss the brief which they were to send to Ottawa, as a group, also whether they would send one or two Band members as delegates.

## BRIEF:

STATEMENT by Chief Jimmie Bonneau of the policy of the Indians of N'Komaplix Indian Reserve, now known as Head of the Lake Reserve, Okanagan Indian Reserve No. 1, Vernon, British Columbia.

In 1838 Chief Inqualla was the ruling Chief of the Okanagan Tribe.

On October 15th 1877 Okanagan Reserve No. 1 was land set aside to our tribe by the Reserve Commissioner James Douglas.

(1) We believe in Queen Victoria's promise to our late Chief Inqualla: that is what we live by. We are not in favour of any changes being made in those promises.

(2) We are still ruled on our Reserve by our Chief and Councillors as elected by the Band. The promises made by Queen Victoria were not meant to be changed.

(3) The promises made are:

(a) There were to be four corner posts, the posts down so deep you cannot go under them and so high you cannot go over them: within those four corners was to be our home. It was to stand as long as the British Flag was flown and as long as the sun shines and the rivers flow, for all were witnesses to this promise.

(b) We can go anywhere to hunt and fish. There were no special places or time to hunt and fish. We can go out anywhere in the mountains for our berries and roots, because it is our living and our own.

(4) At the time of Queen Victoria's promises, it was never mentioned that there would be any "cut-off", of the Reserve at a later date by Royal Commission. We do not know where the Royal Commission got the authority to make some of the "Cut-offs" of the Reserves. There were cut-offs

(a) Swan Lake Reserve No. 4 cut off Nov. 18th 1913;

(b) Long Lake Reserve No. 5 cut off Nov. 18th 1913;

(c) Mission Creek No. 8, November 18th 1913, (50 acres cut off, 5 left)

(d) Tsinliheptim No. 9 (Westbank) 848.6 acres cut off.

(5) We object to anyone interfering with the land held by another Indian, since there is a lot more land that is available to be worked, or homes built, without interfering with the land already held.

(6) We are not agreeable to a survey of land inside of our Reserve, we want the power of defining ownership and extent of land absolutely in our Council.

(7) We do not want any long term leases; yearly leases are good enough, as we have a number of young people who are interested in owning the land available. Therefore we have no desire to tie up land for long terms unless the land cannot be cultivated.

(8) Alcohol; We do not want liquor on our Reservation.

(9) Reserves; The Indians of our band wish to keep our Chief and Councillors, our land and our hereditary privileges of hunting, fishing and trapping, also our water and grazing rights. That is, as a group we wish to live as Indians with our separate identity and our traditional ways of life, but we are eager to co-operate with other people of Canada where our mutual interests naturally merge.

(10) Education; We want the residential schools and the Indian day schools to remain since we do not want our language and culture to be forgotten.

(11) Housing; We would like to know where the money came from to build houses on the reserve. Is it a loan? Does it come from the welfare, and, if so, who is the welfare?

(12) Federal Vote; We think that we are not far enough advanced or educated for the federal vote.

(13) Health Service; For years the Indian Health Services instructed the Indian to go to the white Doctor for medical aid. Now that the Indians of this generation have become used to this practice and have forgotten about their Indian medicine and cure, there is no doctor here for the Indians. They have to pay their own doctor bills. We would like to have our bills paid, the same as before.

(14) Taxes; According to the old promises, the Indians were not supposed to pay taxes. Now the Indians are paying 5% sales tax, gasoline tax, and also some other hidden provincial and federal taxes, we think that the old promise is forgotten.

Signed:

Jimmie Bonneau, *Chief*

Councillors

Murray Alex

William Brewer,

John Marchand,

Tommy Gregoire,

Ed Bonneau.

## APPENDIX "N6"

## THE ELIZABETH FRY SOCIETY

## Toronto Branch—Ontario

The Elizabeth Fry Society is an organization aiding the rehabilitation of women prisoners and operating a hostel for girls upon their release from jail.

The Elizabeth Fry Society, Toronto Branch, sincerely welcomes this opportunity of submitting this evidence to this Joint Parliamentary Committee on Indian Affairs. The Brief concerns Indian girls, many of whom the Society has had contact with in connection with its work, in the Jails of this city and province. The experience of the Society will be drawn only from the Province of Ontario.

It has been the practice of our social workers to interview girls upon their entry to Jail, to see if they wish the assistance of the Society. During these meetings it has been noted that a large number of the girls are of Indian descent. This has been a disturbing factor for us for the past few years, since the number of Indian girls incarcerated is well out of proportion to their numbers in the total population. At one point the number of Indian girls from the Red Lake district was of particular concern, with the result that one of our social workers travelled to Red Lake and Sioux Lookout to investigate living conditions there. These were found to be deplorable and both our provincial government and federal government have been fully informed of these facts; the federal government, as long ago as 1953.

The disturbing situation as this Society has witnessed it can be briefly summarized.

The majority of the Indian girls come from the Northern Ontario areas of Sudbury, the Lakehead and the Red Lake district. They are usually charged with being drunk or for vagrancy and receive sentences of from six months to two years. They are sent to the Mercer Reformatory in Toronto, which is the Provincial Institution for Women Prisoners.

The questions we are concerned with relating to this statement are:

1. Why is there a disproportionate number of Indian girls in jail?
2. Why are there so many from the above-mentioned Northern areas?
3. Why are they receiving sentences out of all proportion to their offences?

The non-Indian girl receives ten days for an offence for which the Indian girl receives three months. If the Indian girl is repeatedly drunk, she receives two years.

The conclusions the Society has arrived at after careful investigation are:

1. Living conditions are so unsatisfactory and primitive in these northern areas for people of Indian descent, that the inhabitants seem to lack purpose in life or any sense of belonging. This, together with the fact that the Indian girl has received no training for a job, no training for living in a non-Indian community, little education and no explanation of the cultural differences between Indian and non-Indian, makes her delinquency almost inevitable.

2. When she is sentenced in the northern community, she is given as long a term as possible to get her out of the way and possibly out of town.

By and large the lack of formal education and vocational training needed to earn a decent living have frequently led the offender to break the law. This applies in particular to the Indian girl, since neither the Reserve or the Community from which she comes, have offered her sufficient facilities for education and job training.



In view of these remarks we offer some recommendations and suggestions:

Many Indians have special problems in adjusting to a culture alien to their own. The high percentage of Indian girls in our prisons indicates the need for a service to guide and counsel on matters of employment, housing, education, health, recreation and other community services. We suggest that the following proposals be considered.

#### *Community Services:*

1. Trained Social Workers, with special training for work with Indian-Canadians.
2. Community Centres in areas where there is a large Indian population.
3. Family counselling services available at community centres.
4. Preparation for Indian-Canadians before they go into the city. Special counselling could be provided by travelling social workers or at central community centres.
5. Probation officers, with special training for dealing with Indian-Canadians, would find the services of community centres of great value in aiding the rehabilitation of the Indian-Canadian offender.
6. Placement officers are needed in areas of large Indian populations of the high calibre of Mr. J. J. Fransen in Toronto, of the Department of Indian Affairs.
7. Social service teams of experienced people to go to groups with problems in outlying areas.

#### *Personnel:*

There is a need for In-Service training of personnel who are or will be working with Indian-Canadians. This training should equip them to work intelligently through understanding of the Indian attitude and personality. These workers should have acknowledge of the Indian culture in which they will be working.

#### *Judicial Services:*

1. Fully qualified travelling Magistrates with a fixed salary should be provided to cover designated districts. While realizing this would be expensive for the province, perhaps assistance from the Federal government could be given to provide for this service essential to equalizing justice.
2. Members of the Bar should be used as Public Prosecutors instead of police officers, separating arrest from judicial procedure. The Indian would then better understand the role of the police in the community. Possibly the Department of Indian Affairs could assist in the provision of these lawyers.
3. Defence Counsel should be on hand to give advice to the Indians as to his rights when charged. Again the Department of Indian Affairs could help in developing a programme of this nature.

#### *Pre-Release Programme:*

Programmes in Correctional Institutions should be geared to aid Indian-Canadians to go back to their life on the Reserve. If however, the Indian-Canadian wishes to make his way in the white community, his programme should prepare him to adjust to the new situation.

## APPENDIX "N7"

## NORTHWEST TERRITORIES

A BRIEF TO THE  
JOINT PARLIAMENTARY COMMITTEE  
ON INDIAN AFFAIRSBy R. G. ROBERTSON  
COMMISSIONER OF THE NORTHWEST TERRITORIES*Indians in the Northwest Territories*

Although the Indian people of the Northwest Territories are the responsibility of the Parliament of Canada, the Government of the Northwest Territories has a special interest and concern for their future as citizens of the north. Not only do they comprise a larger proportion of the population of the Northwest Territories (22%) than of the Yukon (15%) or any of the provinces (not more than 2% in any province) but there are important legislative areas in which Ordinances passed by the Council of the Northwest Territories impinge on their daily lives.

Prior to the recent decision of the Territorial Court that Eskimos are not bound by the Game Ordinance, this legislation was applied to everyone in the Territories without racial distinction. The amendment to the Northwest Territories Act passed at the present session of Parliament, will restore the situation as it was thought to exist before the Court decision. Since Indians, Eskimos, older residents of the white race, and people with mixed blood of all three sources in many cases live much the same lives, it is important that the Game Ordinance should apply to all, and that the Council be able to legislate on game matters with binding effect on everyone in the Northwest Territories.

In the field of liquor legislation, the Northwest Territories is the only jurisdiction in Canada, except Ontario, to take advantage of the opportunity provided in the Indian Act, to extend full liquor privileges to Indians. From July 1, 1958, both Indians and Eskimos in the Northwest Territories were permitted to drink beer in licenced premises, and in April, 1959, the Territorial Court held that full rights under the Liquor Ordinance could not be withheld from Eskimos by an enactment of the Territorial Council. As a result, the Indians in the Territories were suddenly placed in the position of being the only racial group that could not possess and consume liquor in accordance with the Liquor Ordinance. At the request of the Council of the Northwest Territories, the last restrictions in the Indian Act were removed by proclamation of the Governor General in Council on November 23, 1959.

These are some of the most recent events of the past few years and undoubtedly they will be of lasting significance in the evolution of the Indian people towards complete equality of legal status. In the long run, however, education will probably be more important than any other single factor. One of the most far-reaching steps in this regard was the transfer in 1955 of responsibility for the education of Indian children from the Department of Citizenship and Immigration to the Department of Northern Affairs and National Resources and an arrangement with the Government of the Northwest Territories to provide for a combined educational system.

Education must underlie all efforts to improve the social and economic circumstances of the Indian people. The rapid development of school facilities in the Northwest Territories within recent years is bound to play an important part in equipping young Indians for full participation and responsibility in economic life and in the conduct of affairs. The broadening of horizons through

the schoolroom can be of the greatest possible benefit to them both in their personal life and as members of the community. A knowledge of the English language and of elementary school subjects, as well as certain vocations will open up new worlds of knowledge and economic opportunity. Thus the gradual expansion of vocational training in relation to the needs of Indians and of the expanding economy of the N.W.T. will serve a double purpose. It is considered essential, however, that job placement and employment be linked closely with the academic and vocational training courses so that full advantage can be taken of this form of training.

Generally speaking, the future of the Indian people of the Northwest Territories seems reasonably bright, but there are still many very serious immediate problems to overcome. Not the least of these is their present economic situation. For the most part, the Indians of the Northwest Territories are a financially depressed group, and this is reflected in the fact that 74% of Indian families in 1959 had an income of less than \$1000. Most of them are still dependent on hunting and trapping for a livelihood and although fur prices have taken a bit of an upward turn, the industry has suffered very severely in the past few years—more so than any other industry in Canada—with consequences for the Indian people which are more far-reaching than economic circumstances alone. These people have become increasingly dependent upon the southern economy to provide the necessities of life—such things as food, clothing, gasoline, ammunition and most other implements of the hunter and trapper. The traditional reliance upon the fur trade places a special burden upon them. Many have had to abandon their customs and way of life at a time when satisfactory long-term alternatives have not been open to them. For those who have found or can find different economic pursuits, there are still serious social problems of adjustment.

It appears likely that for some time to come the Indian population of the Northwest Territories will rely on the trapping industry for a living. It is also evident there is no single economic solution. Beneficial results have been obtained within recent years by certain employers within the Northwest Territories who have, with sympathy and understanding, increased the opportunities for Indians by offering them a place on their payrolls. Yet at Yellowknife, only two Indians were employed by the mines last year, and the most that have been employed in the past five years was seven. It would be unrealistic, however, to expect the mining companies, or indeed, any other single industry, to take up the slack left by the fur trade and certainly there is not likely to be very great progress along these lines until the Indians have more education and at least a minimum of training.

The economic position of the Indian people calls for a thorough examination of the resources which might be available to provide a livelihood, but which, so far, have not been sufficiently exploited, if at all. At the January 1960 session of the Council of the N.W.T. the administration was requested to proceed with such an examination of the fur and game potential of the Mackenzie District, and to determine ways and means of enabling hunters and trappers to fully exploit these resources with due regard for sound conservation principles.

The future of the Indians of the Mackenzie District lies in equality of economic and social opportunity, with the abolition of race lines in all respects. There are no reservations in the Territories at present and the reserve system has no part in this concept of equality. This does not mean, that the Indians should be, or need be, completely submerged in the growing white population. It is still not too late to help them maintain something of their own culture and language, even while they adjust to a broader world about them. One of the solutions must be the gradual development of an attitude

of mind which accepts the equal place of Indians. This attitude of mind, combined with growing economic opportunities, will not only enable the Indians to prove their value to society, but it should eventually eliminate the picture of the Indian as a separate racial problem.

A strong emphasis on the value of social welfare services will also serve as an indirect but nonetheless essential aid to the improvement of the Indian's future. The problems of inequality of economic opportunity, language difficulties, racial discrimination, lack of adequate housing, families broken up or separated by disease, and other difficulties all render the Indian less effective both in his work and as a member of the community. Standards in public health and nutrition deserve the most serious and urgent attention. Housing projects in such places as Inuvik and Fort Smith and school lunch programs all go some way to alleviate these problems, but the present situation is still far from satisfactory. Whatever opportunities may be open to Indians through education, vocational training and new industries will largely be wasted unless the individuals concerned are physically and mentally able to cope with their daily problems.

The main objective of any policy affecting the Indians of the Northwest Territories must be to give them the full rights and responsibilities that other Canadians enjoy. However, it is important to the Government of the Northwest Territories, that whatever assistance is given to the Indian people does not deprive them of their initiative or discourage their efforts to help themselves. Government assistance should take the form of improved opportunity and the maintenance of a social and economic environment in which Indians can advance through their own endeavours. Direct relief and other paternalistic schemes should be eschewed wherever possible for inducements capable of inspiring positive effort and a sense of participation. In considering the problems of Indians, it is also important to the Territorial Government that it be realized there are two indigenous peoples in the north and that the peculiar difficulties of the Eskimos not be overlooked. It is essential that these people also advance on a basis of full equality and that our efforts on behalf of one race not obscure or interfere with the progress of the other.

It is submitted therefore that in all these matters our goals and the means of attaining them deserve serious consideration.

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Submitted after discussion with and on behalf of the Council of the Northwest Territories.

R. G. Robertson,  
Commissioner.

Ottawa, June 15, 1960.





Third Session—Twenty-fourth Parliament

1960



Joint Committee of the Senate and the House of Commons

on

# INDIAN AFFAIRS

*Joint Chairmen:*—The Honourable Senator James Gladstone

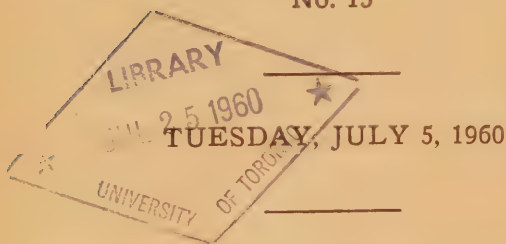
and

Mr. Noël Dorion, M.P.

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MINUTES OF PROCEEDINGS

No. 15



TUESDAY, JULY 5, 1960

INCLUDING SECOND REPORT TO PARLIAMENT

ALSO

INDEX TO BRIEFS

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THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960

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Quorum—9

M. Slack,  
*Clerk of the Committee.*

## REPORT TO THE SENATE AND HOUSE OF COMMONS

WEDNESDAY, July 6, 1960

The Joint Committee of the Senate and the House of Commons on Indian Affairs has the honour to present the following as its

### SECOND REPORT

The Joint Committee of the Senate and the House of Commons on Indian Affairs was reconstituted by those Houses of Parliament on March 15 and March 9 respectively, to continue the examination and consideration of the Indian Act and Indian administration in general begun during the 1959 Session of Parliament.

Your Committee has held forty-one meetings and has heard sixty-one witnesses, including representatives of Indian bands and organizations, provincial governments, church authorities and other organizations and groups listed hereunder:

1. Dominion Abitibi Band, Quebec
2. St. Regis Band, Quebec and Ontario
3. Indian Association of Alberta
4. Indian Advisory Committee, Province of Ontario
5. Indian-Eskimo Association of Canada
6. Federation of Saskatchewan Indians
7. Nishga Tribal Council, British Columbia
8. Aboriginal Rights Committee of the Interior tribes of British Columbia
9. The Canadian Catholic Conference
10. The Anglican Church of Canada
11. The Co-operative Union of Canada
12. The Board of Home Missions of the United Church of Canada
13. Saddle Lake Band, Alberta
14. Blackfoot Band, Alberta
15. Blood Band, Alberta
16. Government of Saskatchewan
17. Six Nations Confederacy, Ontario
18. Union of Ontario Indians

Included in the Minutes of Proceedings and Evidence, as appendices thereto, are seventy-three written submissions received by your Committee from Indian bands, provincial governments, church authorities and other organizations and groups interested in the welfare of the Indian Canadian.

It was evident early in the sittings that it would not be possible to hear all those who wished to make oral presentations, or to enter into a detailed examination and consideration of the Indian Act and to suggest amendments thereto. However, from evidence which has been given before your Committee, it is apparent that one provision of the Act, the compulsory enfranchisement feature of Section 112, is opposed by virtually all the Indians and many non-Indians. It has created a barrier of distrust of all efforts designed to encourage the Indians to improve their position and assume more control over their own affairs.



Your Committee believes that removal of this barrier will go a long way in convincing the Indians of the genuine desire of Parliament and the Government to further their advancement on the basis of mutual cooperation and trust and is of the opinion that its early removal is most desirable. In these circumstances, while the general study of enfranchisement of Indians must be left for further consideration, your Committee unanimously recommends that at the first opportunity the Government introduce legislation to remove the compulsory enfranchisement provision from the Indian Act.

Your Committee unanimously recommends further that immediately after Parliament reassembles next session, a similar Committee be reconstituted to continue and complete the hearing of representatives of Indian and other organizations, departmental officials, and also review the Indian Act.

Your Committee wishes to express its appreciation to all those representatives of Indian bands, Indian organizations, provincial governments, church authorities and other organizations and groups for their valuable contribution to the deliberations of the Committee and also for the information and assistance tendered by the Minister, the Honourable Ellen Fairclough, Superintendent General of Indian Affairs, the Director of Indian Affairs, the Director of Indian and Northern Health Services, and other departmental officials.

A copy of the Committee's Minutes of Proceedings and Evidence is appended.

Respectfully submitted,

JAMES GLADSTONE,  
NÔEL DORION,  
*Joint Chairmen.*

## MINUTES OF PROCEEDINGS

TUESDAY, July 5, 1960.  
(41)

The Joint Committee of the Senate and the House of Commons on Indian Affairs met at 2.30 p.m. this day *in camera*. The Joint Chairman, Mr. Noël Dorion, presided.

*Present:*

*The Senate:* Honourable Senators Boucher, Fergusson, Inman and MacDonald.

*The House of Commons:* Messrs. Charlton, Dorion, Fane, Henderson, Martel, McQuillan, Robinson, Stefanson, and Wratten.

The Joint Chairman, Mr. Dorion, on behalf of the subcommittee, submitted a draft Report to Parliament.

The Committee proceeded to the consideration of the draft Report to Parliament which was adopted without amendment, and was ordered to be presented to Parliament as the Committee's Second Report.

At 3.00 p.m., the Committee adjourned to the call of the Chair.

M. Slack,  
*Clerk of the Committee.*

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